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ILLINOIS SESSION LAWS  
1836

Many of the law books used by Abraham Lincoln have been preserved and are now treasured in the various collections of Lincolniana throughout the country.

In a group of law books used to illustrate the book, "Lincoln the Lawyer," by Frederick Trevor Hill, is shown a copy of the Session Laws for 1841, at one time in the office library of Logan & Lincoln. This copy is now owned by William H. Townsend, of Lexington, Kentucky.

H. E. Barker

Undoubtedly he used the issue of 1836. (L.A.W.)



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# LAWS

OF THE

STATE OF ILLINOIS,

PASSED BY THE

NINTH GENERAL ASSEMBLY,

AT THEIR

*Second Session,*

COMMENCING DECEMBER 7, 1835, AND ENDING JANUARY 18, 1836.

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PUBLISHED IN PURSUANCE OF LAW.

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# LAWS

## OF THE STATE OF ILLINOIS.

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*AN ACT to incorporate the Belleville and Mississippi Rail Road Company.*

In force Dec  
28, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John H. Gay, Adam L. Mills, Martin Thomas and Nathan Farnsworth, and their successors and assigns, shall be, and are hereby constituted a body corporate, by the name and style of "The Bellville and Mississippi Rail Road Company," and shall continue for the term of forty years from and after the passage of this act; Provided, That the State of Illinois, or the county of St. Clair, shall have the privilege at the expiration of the period aforesaid, of purchasing the railway, and other property authorised by this act to be held by the said company, at the cost thereof, and six per centum per annum interest thereon.*

Company in-  
corporated.

Extent of the  
incorporation.

SEC. 2. The corporation shall have the right and power to construct, and during its existence, to maintain and continue a single or double rail road or way, or a single or double track way, with such appendages and appurtenances as may be necessary for the convenient use of the same, from the east side of the public square, in the town of Bellville, in St. Clair county, to the bank of the Mississippi river, at or near the town of Illinois, in the county of St. Clair, with the privilege of extending it along the foot of the hills or bluffs, on the eastern edge of the American Bottom, to the distance of ten miles on each side of the point or place where the road from the river aforesaid, shall reach the bluffs—to transport, take and carry, persons and property on the same, by the power and force of steam, of animals or any mechanical or other power, or by a combination of them, as said company shall choose to employ; and by their name aforesaid, they are vested with the right and privilege of erecting, building, or making a single or double rail road, or

Nature and  
powers of the  
incorporation.

single or double track way, for the purpose of using the same in the manner hereinafter provided.

SEC. 3. If the said corporation, hereby created, shall not, within two years after the passage of this act, commence the construction of said road, or way, and expend at least the sum of ten thousand dollars thereon, and shall not within five years of the passage of this act, construct, finish, and put in operation, the said single or double rail road or way, or track way, from the river aforesaid to Bellville, then the said corporation shall forever cease, and this act shall be null and void.

Capital stock.

SEC. 4. The capital stock of said company shall be two hundred thousand dollars, with liberty to increase the same to three hundred thousand dollars, to be held in the first instance as follows: John H. Gay and Adam L. Mills, three-twentieths, and Martin Thomas and Nathan Farnsworth, twelve-twentieths, and such bona fide citizens of St. Clair, as shall, on or before the tenth day of February, 1836, subscribe for the remaining five-twentieths of the capital aforesaid; *Provided*, That should the entire fourth part of the said stock remain unsubscribed for, it shall be allotted to the said Martin Thomas and Nathan Farnsworth. Books for the subscription of the citizens of the county of St. Clair, shall be opened at the town of Bellville, in said county, on the first Monday of February, 1836, and remain open for the period of ten days, the shares to be the sum of one hundred dollars each.

Powers of the corporation.

SEC. 5. The corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient for accomplishing the objects for which this act of incorporation is granted; and may by their agents, surveyors and engineers, enter upon, and take possession of, and use all such lands and real estate and materials as may be indispensable for the construction and maintenance of their rail road or track way, and the accommodations and appurtenances required and appertaining thereto; and may also receive, hold and take, all such voluntary grants and donations of land and real estate, and materials, for the purpose of said road, as shall be made to the said corporation by the general or state government, or by any corporation, company, individual or individuals, to aid in the construction, maintenance and accommodation of said rail road or track way, completely vesting in said company and corporation, absolutely in fee simple, the same. But all lands and real estate thus entered upon, for materials or otherwise, which are not donations or owned by the company, shall be purchased by the said corporation of the owner or owners thereof, at a price to be agreed on mutually by the com-



pany and the owner or owners. In case of disagreement as to price, and before the taking any materials, or making any part of said road on said land in controversy, it shall be lawful for the commissioner, superintendent, or other authorised person or persons of said company, to apply to some justice of the county of St. Clair, who shall cause five freeholders to be summoned, who, after being sworn faithfully and impartially to examine the materials or ground, to be pointed out to them by the commissioner, superintendent, or other authorised person or persons, and reasonable notice having been given to the owner of the property, said freeholders shall assess the damages which they believe such owner or owners will sustain, over and above the additional value which such land will derive from the construction of such road, and make reports, signed by at least a majority of them, one of which they shall deliver to the commissioner, superintendent or other authorised person or persons requiring said view and assessment, and the other to the justice of the peace; and the amount of damages and cost being paid to the owner or owners, which shall have been assessed, or deposited with the justice of the peace, the road may be constructed, located, and materials taken. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken within twenty days, to the circuit court of St. Clair county, by petition, setting forth the facts of the case, describing the land and premises, and the necessity of such land for making said rail road or track way, and the attempt and failure to purchase the same, with the name and residence of the owner of the same, and the reasons why the purchase cannot be made; and the circuit court aforesaid, acting and sitting as a court of chancery, shall direct such notice to the owner and parties as shall be deemed reasonable, of the time of hearing the parties; (*Provided*, that in case the appellee shall have had seven days previous notice of the taking of the appeal, no further notice shall be necessary, but said court shall proceed to hear and determine said case as speedily as practicable;) and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties, which may be taken orally or by deposition, it shall make such order and decree in the premises, as to it may seem proper and equitable, and may either increase or diminish the amount of damages assessed, or reject said petition altogether; and shall also make such order for the payment of costs as may be just and proper. It shall also order a conveyance of the land in controversy, to be made when the decree shall be complied with, on the part of the corporation. Whenever said order and decree shall be fully complied with on

the part and behalf of said corporation, it shall be possessed of the land in controversy, and may enter upon and take possession of, and use the same for the purpose of said road. Where a difficulty shall arise as to the value of materials which may be needed to construct said work, or the amount of damages done to land by the agents of the company passing through said land in collecting materials aforesaid, there shall be no appeal to the circuit court: but in case the parties or either of them, shall be dissatisfied, and it shall appear to the justice that it is right, and necessary to justice, he may set aside the first valuation, (*Provided* the same shall be done within three days after the said valuation,) and appoint five other commissioners to appraise and value to materials or damages last aforesaid, whose award in the premises shall be final, and who shall apportion the costs as may appear just, on one or both of the parties. In case any married woman, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the circuit court, or justice of the peace, shall appoint some competent and suitable person, to appear before said commissioners or said circuit court, and act for and in behalf of such married woman, infant, insane person, idiot, or non-resident of the state.

Further powers.

SEC. 6. The said corporation is hereby authorised and empowered to regulate the time and manner in which goods, passengers and property shall be transported, taken and carried on said rail road or track way, and shall have power to erect and maintain toll houses, and other building necessary for the accommodation of their concerns, and from time to time, fix, regulate, demand and receive the tolls and charges by them to be received, for transportation of persons or property, on said single or double rail road or way, or said single or double track way.

Penalty for obstructing.

SEC. 7. If any person or persons, shall wilfully do or cause to be done, any act or acts whatsoever, whereby any building, construction, or work of the said corporation, or any engine, machine or structure, or any matter or thing pertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation, treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, and shall likewise be subject to be indicted for injuries and offences against the property of said corporation, as for injuries or offences done to the property of individuals.

SEC. 8. Whenever it shall be necessary for the construc-

tion of the rail road or track way, to intersect or cross any stream of water or water courses, or any road or high way, between the places mentioned in the second section of this act, it shall be lawful for the corporation to construct said rail road or track way, across or upon the same; but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness.

Road to intersect, or cross water course or highway.

SEC. 9. The corporation created by this act, under the name and style of "The Bellville and Mississippi Rail Road Company," shall have the right to sue in any court of law or equity in the state, having jurisdiction of the case, and prosecute the same to judgment and recovery, and to defend when being sued, plead and be impleaded, both at law and in chancery, and shall be entitled to all the privileges and rights which such a corporation by statutes or common law governing the case, ought and should of right have, and may have a common seal, alter and change the same at their pleasure. The whole stock of the corporation aforesaid shall be deemed personal property, and together with all tools, implements, machinery, and apparatus of every description, used, employed, or in hand and belonging to said company, and shall be liable to be seized, executed and sold, after judgment or decree, to make good any contract, agreement or stipulation, made by any agent, superintendent, or authorised person or persons, in the employ of said company: and it shall be a sufficient service of process or notice in all cases, to leave a copy of the same with the president of the board of directors, or the secretary of the company, or, in case of absence from the county of St. Clair, to leave a copy of the same at the office thereof.

Name and style of corporation—and powers.

SEC. 10. The company aforesaid shall have power to make all the regulations and bye-laws requisite for the transaction of all business appertaining to their affairs, *Provided* such bye-laws and regulations are not in contravention of the provisions of this act, nor of the laws or constitution of the United States, nor of the state of Illinois. The corporation aforesaid, shall have power to negotiate for a loan or loans, in aid of the purposes provided for in this act, to pledge their capital stock or other property for the security thereof, *Provided* that said loans do not exceed the amount of said capital stock.

Further powers.

SEC. 11. The rail road, as aforesaid, shall be commenced at the town of Bellville, and may also be commenced at the Mississippi river, and made towards the centre of the route. A violation of any of the provisions of this charter, shall forfeit the same, to be determined in due course of law. The books provided to be opened by the fourth section of



Commissioners  
to open books,  
and receive  
subscriptions.

this act, shall be under charge of Wm. Kinney, James Mitchell, Joseph Green, Charles Sargent, and Thomas Kimber, of St. Clair county, who shall receive all subscriptions offered by *bona fide* male citizens of the county of St. Clair, of lawful age; *Provided*, that should a greater number than five hundred shares be subscribed, as aforesaid, the said commissioners shall reduce the number, to be allotted to each subscriber, so that not less than one share shall be appointed to each; *Provided, also*, that if a greater number of shares is subscribed for by a less number of persons than five hundred, then the said commissioners shall reduce the shares *pro rata*.

APPROVED, Dec. 28, 1835.

In force Feb.  
16, 1836.

*AN ACT to incorporate the Pekin, Bloomington and Wabash Rail Road Company.*

Incorporation.

Sue and be sued,  
&c.

Common Seal.

Powers of said  
Corporation.

Extension of  
Road.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William Brown, John W. Casey, Benjamin Kellogg, Philip Flagler, Samuel P. Bailey, Robert Stuart, James Allen, J. W. Fell, Samuel McRoberts, M. L. Covell and William Fithian, their associates, successors and assigns, be, and they are hereby created a body politic and corporate, under the name of the Pekin, Bloomington and Wabash Rail Road Company, and by that name shall be, and hereby are made capable in law to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew or alter at pleasure; and shall be, and hereby are vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete a rail road leading from Tremont, in Tazewell county, and passing through Bloomington, in M'Lean county, with the privilege of extending said road eastwardly to the state line, or at any point in a direction to unite with the Erie and Wabash canal at its termination on the Wabash river, in such manner and form as they shall deem to be most expedient; and for this purpose the company are authorized to lay out their road not exceeding six rods wide through the whole length, and for the purpose of cutting embankments and procuring stone and gravel, may take as

much more land as may be necessary for the proper construction and security of said road: *Provided, however,* that all damages that may be occasioned to any person or corporation by the taking of such land or materials for the purposes aforesaid, shall be paid for by said corporation in the manner hereinafter provided: *Provided,* that in case the Pekin and Tremont Rail Road Company, incorporated at the present session of the General Assembly, shall not commence the rail road therein authorized to be made within one year from the passage of this act, and vigorously prosecute the same to its final completion, according to the provisions of their charter, the corporation hereby created shall have the right to continue and extend the rail road herein provided for, from the said town of Tremont to the town of Pekin on the Illinois river, under the same regulation as herein provided for other parts of the said road.

Proviso,

SEC. 2. The capital stock of said company shall consist of five thousand shares, not exceeding one hundred dollars each; and the immediate government and direction of the affairs of the said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation in the manner hereinafter provided, and shall hold their offices until others are duly qualified to take their places as directors: a majority of whom shall form a quorum for the transaction of business; shall elect one of their own number to be president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation, and sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Capital Stock.

Powers vested to Company.

Quorum.

Bonds required

SEC. 3. The president and directors are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the company for the purposes of locating, constructing and completing said rail road, and for the transportation of persons, goods and merchandize, and all such other powers and authority for the management of the affairs of the company not heretofore granted, necessary and proper to carry into effect the object of this grant; to purchase and hold land, materials, engines, cars, and other necessary things, in the name of the corporation, for the use of said road and for the transportation of persons, goods and merchandize; to make such equal assessments, from time to time, on all the shares of the said company as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the company; and the treasurer shall give notice of all such assessments; and

Locating, constructing, and completing said road.

Transportation

Privileges

Duty of treasurer.

in case any subscriber shall neglect to pay his assessment for the space of thirty days after due notice by the trustees of said company, the directors may order the treasurer to sell such share or shares at public auction, after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber shall be held accountable to the company for the balance if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale: and shall be entitled to the overplus, if his share or shares sell for more than the assessment due, with interest and cost of sale:

Proviso

*Provided, however,* that no assessment shall be laid upon any shares of said company of a greater amount than one hundred dollars on a share.

Continuation of  
powers granted

SEC. 4. The said company shall have power to make, ordain and establish all such laws, rules, regulations and ordinances as they shall deem expedient and necessary to accomplish the designs and purposes and to carry into effect the provision of this act, for the assignment and transfer of its stock and for the well ordering, regulating and securing of the interests and affairs of the company: *Provided,* the same be not repugnant to the constitution and laws of this state and the United States.

Proviso.

Toll granted  
and established

SEC. 5. A toll shall be, and is hereby granted and established for the sole benefit of said company, upon all passengers and property of all descriptions which may be conveyed or transported upon said rail road, at such rates per mile as may be established and agreed upon, from time to time, by the directors of said company: the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said road shall be in conformity to such rules, regulations and provisions as the directors, from time [to time], prescribe and direct; and said road may be used by any persons who shall comply with such rules and regulations.

Rates

Powers delega-  
ted to Directors

SEC. 6. The directors of said company, for the time being, are hereby authorized to erect toll-houses, establish gates, appoint toll-collectors, and demand toll upon the road where completed, and upon such parts thereof as shall, from time to time, be completed.

Responsibility  
of Company

SEC. 7. The said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land for said rail road, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by laying out of highways.

Lands of Feme  
covert, Infants,

SEC. 8. That when the lands or other property or estate



of any feme covert, infant, or persons non compos mentis, <sup>or persons non compos mentis</sup> shall be necessary for the construction of said rail road, the husband of such feme covert, and the guardian of such infant or person non compos mentis, may release all damages for any lands or estate taken or appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

SEC. 9. That if any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said rail road, he, she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said company <sup>Persons wilfully & maliciously damaging said road.</sup> for every such offence treble such damages as shall be proved before the justice, court, or jury, before whom the trial shall be held; to be sued for and recovered before any justice, or any court proper to try the same, by the treasurer of the company or other officer whom they may direct, to the use of said company; and such offender or offenders shall be liable to indictment by the grand inquest for the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions; and on conviction thereof before any court competent to try the same, shall pay a fine not exceeding one <sup>Liabilities</sup> hundred dollars, nor less than thirty dollars to the state; or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had. <sup>Fine.</sup>

SEC. 10. The annual meeting of the members of said corporation shall be holden on the first Monday of June, at such time and place as the directors, for the time being, may appoint; at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *Provided*, that no vote shall be given by any proprietor by reason of any share held by him exceeding one tenth part of the whole number of shares; and the person first named in this act, or any two of the persons named therein, are hereby authorized to call the first meeting of said corporation, by giving notice in the Illinois Advocate and Sangamon Journal of the time and place and purpose of such meeting, at least fifteen days before the time mentioned in such notice. <sup>Meeting.</sup>

SEC. 11. If said rail road in the course thereof shall cross any river, canal, turnpike or highway, the said corporation shall so construct said rail road as not to obstruct the safe and convenient use of such river, canal, turnpike or highway. <sup>Manner in which Directors shall be chosen.</sup> <sup>Proviso</sup> <sup>Rail road when passing over highway, &c.</sup>

Duties imposed  
on said compa-  
ny.

SEC. 12. That if said company shall not have been organized, and the location of the route filed with the county commissioners of the county or counties in which the land proposed to be taken for the use of said rail road is situate, previous to the first of September, in the year of our Lord eighteen hundred and forty, and if the said corporation shall fail to complete the said rail road on or before the first day of January, eighteen hundred and fifty, in either of the abovenamed cases, this act shall be null and void.

Bridges, abut-  
ments, &c.

SEC. 13. The rail road company shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their rail road over any canal, river, turnpike or other highway.

Powers resting  
with the State

SEC. 14. That it shall be in the power of the state at any time during the continuance of this charter, after the expiration of thirty years from the opening for use of the rail road through, provided it be made, to purchase of the said company the said rail road and all the franchises, rights and privileges of the said company, by paying them therefor the amount expended in making said rail road, with ten per cent. per annum interest thereon; and after such purchase the limitation provided in the fifth section of this act shall cease and be of no effect: and it shall be the duty of said company, from year to year, to make report to the legislature of their acts and doings, receipts and expenditures, under the provisions of this act.

Duty of Com-  
pany.

APPROVED, Jan. 16, 1836.

In force 16th  
Jan., 1836.

*AN ACT for the Incorporation of the Mississippi, Springfield and Carrollton Rail Road Company.*

Company in-  
corporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Paris Mason, Alfred Caverly, John Wyatt, William Craig, and such other persons as may associate with them, for the purpose of constructing a rail road from the town of Grafton, in the county of Greene, by the way of Carrollton, thence on a direct route to Point Pleasant, in the county of Morgan, at or near the head of Apple creek, thence to Millville or Hearadith's mill, on Lick creek, in Sangamon county, thence to Springfield, in said county, be, and are hereby constituted a body corporate, by the name of the Mississippi and Springfield Rail Road Company, and by that name may sue*

and be sued, defend and be defended in law and equity, in <sup>Their Powers</sup> all courts whatsoever, and by that name shall be capable of succession; may have and use a common seal, and make and establish such by-laws, rules and regulations as shall, from time to time, appear necessary to the said corporation for the government of said corporation, and may transport upon said rail road property or persons, or passengers, by the force of steam or animal power, or any mechanical power, or by the combination of the same.

SEC. 2. *And be it further enacted*, That Elihu Walcott, Bezaleel Gillit, Samuel S. Prosser, John Calhoun, William Craig, Jacob Fry, Paris Mason, and Alfred W. Caverly, <sup>Commissioners to open books for subscription for stock.</sup> shall be commissioners, whose duty it shall be to open books for the purpose of receiving subscriptions to the capital stock of said company, at some proper place in the towns of Springfield, Carrollton, Grafton, and Jacksonville, at such times as the said commissioners shall, in their discretion, deem proper, by their giving ninety days notice in the public <sup>Notice</sup> newspapers printed at said Springfield, and in the newspapers printed at said Jacksonville, and in the newspaper printed at Carrollton aforesaid, and at one or more public place or places in the aforesaid town of Grafton; and in case no paper shall be printed at the aforesaid places, then and in that case the said commissioners shall put up notice at one or more public place or places in such of the towns as may not, at the time provided for the giving of such notice, have a newspaper published; and the books aforesaid shall remain open at each of said places for the space of ten days; and in case the whole capital stock of said company shall not be subscribed for at the aforesaid places, the aforesaid commissioners are further authorized to open or cause to be opened, books for the subscription of the capital stock not subscribed for, in any place or places in the United States, and at such times as in their discretion they shall think proper.

Any four of the above named commissioners shall at any time be competent to transact any business.

SEC. 3. The capital stock of said company shall first be eight hundred thousand dollars, and the said company shall <sup>Capital stock may be increased.</sup> have power to increase the capital stock, from time to time, by new and further subscriptions, as the said commissioners, or a majority of them, shall deem proper: which said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable in such manner as said corporation shall provide and direct.

SEC. 4. *And be it further enacted*, That the said corporation may, and are hereby authorized to make and cause to <sup>Corporate powers</sup>



be made, such examinations and surveys on the aforesaid rail road route, as said corporation shall deem necessary and proper for the purpose of carrying into effect the object of said corporation; and they are hereby authorized to enter upon and take possession of and use all such lands as may be deemed necessary for the construction and maintenance of said rail road; and may also hold and take all voluntary grants and donations of land, to aid in the construction, maintenance and accommodation of their said rail road; and all lands entered upon and taken for the use of the said corporation which are not donated to said corporation, shall be paid for by the said corporation at such price as may be mutually agreed upon by said corporation and the owner or owners of such land; and in case of disagreement, the price shall be fixed by three or more commissioners, to be appointed by the governor of this state; which said commissioners shall be sworn, by any person within this state authorized by law to administer oaths, faithfully and impartially to appraise such land; which appraisement so made by said commissioners, shall be binding upon said corporation, and upon the payment of the same, the said land shall be vested in said corporation in fee simple.

Governor to appoint Commissioners to ascertain damages.

Authorized to borrow money.

SEC. 5. And the said corporation are also authorized and empowered, to borrow any sum or sums of money which they, in their discretion, may deem necessary, to aid in the construction of said road, not exceeding the amount of their capital stock; and if it shall at any time appear to the directors of said corporation that any portion of the money borrowed as aforesaid, or any portion of surplus capital, shall not be required to be retained for such purpose, the same may be loaned at such rate of interest as is now by law allowed to be taken by individuals, or may be reimbursed according to the discretion of said directors: *Provided*, the legislature may at any time, if the public good require, reduce the rate of interest to eight per cent., but shall not reduce it below that rate for the term of twenty-five years from the passage of this act.

Proviso

Ten per cent.,  
on capital stock  
to be paid.

SEC. 6. *And be it further enacted*, That ten per cent of the capital stock shall be paid at the time of subscription, and so soon as one-half of the capital stock shall have been subscribed, the aforesaid commissioners shall give notice in the same manner as is required in the second section of this act, in relation to the opening of subscription books, at least twenty days before a meeting of the stockholders, to choose five directors, and such election shall be made at the time and place previously notified and appointed by said commissioners, by such of the stockholders as attend for that purpose, either in person or by lawful proxy—each

share of the capital stock entitling each stockholder to one vote; and the said commissioners, or a majority of those present, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those duly elected, and shall deliver over the subscription books to the said directors, which said directors, or those chosen at any annual election, shall choose one of their number to preside over their deliberations, and shall fill all vacancies that may occur in their board; and it shall further be the duty of the said directors of said corporation, to cause an election of directors to be holden once in every year, in such manner as may be provided in the bye-laws of said corporation.

SEC. 7. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times and in such proportions, *Provided* it be not less than ten dollars per share, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, in the case of failure, so as to pay as above directed; and the directors shall give notice of the payments thus required, and of the place and time where and when the same is to be paid, at least sixty days previous to the payment of the same, in some public newspaper of this state, and in each of the several cities where the books of the company may have been opened for subscription to the capital stock.

SEC. 8. If an election of directors shall not at any time take place as is required by this act, the said corporation shall not, for this cause, be deemed dissolved.

SEC. 9. That the said corporation may be, and are hereby authorised to take such quantity of land of sufficient width for the construction of a rail road, as they may deem necessary and proper, under the conditions prescribed in the preceding section; and that the said corporation shall have power to regulate the time and manner for the transportation of goods and passengers on the said rail road, as well as the manner of collecting tolls and dues on account of transportation and carriage—to erect and maintain toll houses and all other buildings for the accommodation of their concerns, and to collect tolls so soon as any part of said rail road shall be finished.

SEC. 10. The said company are hereby authorised to construct the said rail road across any water course, road, or other public highway, subjecting themselves to any damages that may be incurred by so doing.

SEC. 11. If any person or persons shall willfully do or cause to be done, any injury to said rail road, or to any carriage, car, engine, machine, toll house, or other building, or any structure whatever, belonging to said corporation, the

person or persons so offending, shall forfeit and pay the said corporation double the amount of damages sustained by means of such offence or injury, with all the costs of action, before any court of record in this state; and the person or persons so offending, shall be further declared guilty of a misdemeanor, and liable to fine and imprisonment.

APPROVED, Jan. 16, 1836.

In force 16th  
Jan., 1836.

*AN ACT to Incorporate the Alton, Wabash, and Erie Rail Road Company.*

Company in-  
corporated

Name & style

Commencement

Termination

Proviso

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John Tillson, Jr. William F. Thornton, Stephen Griggs, Christian B. Blockburger, Thomas B. Trower, William Fithian, Nathaniel Buckmaster, and their associates, successors, and assigns be, and they are hereby created, a body corporate and politic, under the name of the "Alton, Wabash and Erie Rail Road Company," and by that name, shall be and are hereby made capable in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended in any Courts of Record, or in any other place whatsoever; to make, have and use a common seal, and the same to break, renew or alter at pleasure, and shall be and are hereby vested with all the privileges, powers and immunities, which are or may be necessary to carry into effect the purposes and object of this Act, as hereafter set forth—and the said company are hereby authorised and empowered to locate, construct and finally complete a Rail Road leading from Alton on the Mississippi river in this State, commencing at or near the termination of the Springfield and Alton Rail Road, and either running through Hillsboro' or within one half mile, through Shelbyville and through Danville, or within one half mile of it, to the line of the State terminating at the Wabash and Erie Canal, on the Wabash river in Indiana, in such manner and form as they shall deem to be most expedient, and for this purpose, the said Company are authorised, to lay out their said Road, not exceeding six rods wide, through the whole length, and for the purpose of cutting embankments and procuring stone, and gravel, may take as much more land, as may be necessary, for the proper construction, and security of said Road; *Provided*, however, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials for*



the purposes aforesaid, shall be paid for by said Corporation in the manner hereafter provided.

SEC. 2. The capital stock of said Company, shall consist of twenty thousand shares, of one hundred dollars each, and the immediate government and direction of the affairs of the said Company shall be vested in a board of not less than five Directors, who shall be chosen by the members of the Corporation, in the manner hereinafter provided, and shall hold their offices until others be duly qualified to take their places, as Directors, a majority of whom, shall form a quorum for the transaction of business, shall elect one of their own number to be President of the board, who shall also be President of the Company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall give bonds to the Corporation, with sureties, to the satisfaction of the Directors in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

Capital Stock  
Number of  
shares.

Directors  
How chosen

Sureties requi-  
red

SEC. 3. The President and Directors, for the time being, are hereby authorised, and empowered, by themselves, or their agents, to exercise all the powers herein granted to the Company, for the purpose of locating, constructing and completing said Rail Road, and for the transportation of persons, goods, and merchandize, and all such other powers and authority, for the management of the affairs of the Company, not heretofore granted, as may be necessary and proper, and to carry into effect the object of this grant, to purchase and hold land, materials, engines, cars and other necessary things in the name of the Corporation, for the use of said Road, and for the transportation of persons, goods, and merchandize, to make such equal assessments from time to time, on all the shares of said Company as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the Treasurer of the Company and the Treasurer shall give notice of all such assessments, and in case any subscriber shall neglect to pay his assessments, for the space of thirty days after due notice by the Treasurer of said Company, the Directors may order the Treasurer, to sell such share or shares at public auction after giving due notice thereof, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber, shall be held accountable to the Company for the balance if his share or shares sell for less than the assessment due thereon, with interest and costs of sale, and shall be entitled to the overplus if his share or shares, shall sell for more, than the assessment due with interest and costs of sale; *Provided*, however, that no assessment

Powers defined  
and delegated  
to President &  
Directors.

Provido

shall be laid upon any shares in said Company, of a greater amount than one hundred dollars on a share.

Rules, Regula-  
tions, &c.

SEC. 4. The said Company shall have power to make, ordain and establish, all such laws, rules, regulations and ordinances, as they shall deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this Act, for the assignment and transfer of its stock, and for the well ordering, regulating and securing of the interest and affairs of the Company: *Provided*, the same be not repugnant, to the Constitution and laws of this State, and the United States.

Proviso

Tollsestablish-  
ed

SEC. 5. A toll shall be and is hereby granted and established for the sole benefit of said Company, upon all passengers and property of all descriptions, which may be conveyed or transported upon said Road, at such rates per mile as may be agreed upon and established from time to time by the Directors of said Company. The transportation of persons

Transportation  
of persons and  
property.

and property, the construction of wheels the form of cars, and carriages, the weight of loads, and all other matters and things, in relation to the use of said Road, shall be in conformity to such rules, regulations and provisions, as the Directors from time to time prescribe and direct, and said road may be used by any persons who shall comply with such rules and regulations: *Provided*, however, that if at the expiration of ten years, from and after the completion of said Road, the nett income or receipts for tolls and other profits, taking the ten years aforesaid, as the basis of calculation shall have amounted to more than ten per cent. per annum, upon the cost of the Road; the Legislature may take measures to alter and reduce the rates of toll and other profits in such manner as to take off the overplus for the next ten years, calculating the amount of transportation, upon the road to be the same as the ten preceding years, and at the expiration of every ten years thereafter the same proceedings may be had: *Provided further*, that the Legislature shall not at any time so reduce the toll and other profits as to produce less than ten per cent. upon the cost of the said Rail Road, without the consent of said Corporation.

Proviso.

Erect toll hou-  
ses, appoint toll  
gatherers.

SEC. 6. The Directors of said Company for the time being, are hereby authorized to erect toll houses, establish gates, appoint toll gatheries, and demand toll upon the Road, when completed and upon such parts thereof, as shall from time to time be completed.

Responsibili-  
ties.

SEC. 7. The said Company shall be holden to pay all damages, that may arise to any person or persons, corporation or corporations, by taking their land for said Rail Road, when it cannot be obtained, by voluntary agreement to be estimated and recovered in the manner provided by law, for

the recovery of damages, happening by the laying out of highways.

SEC. 8. That when the lands or other property or estate of any feme covert, infant, or person *non compos mentis*, shall be necessary for the construction of said Rail Road, the husband of such feme covert, and the guardian of such infant or person *non compos mentis*, may release all damages, for any lands or estate taken or appropriated as aforesaid, as they might do, if the same were holden by them in their own right respectively.

Of lands, &c.  
belonging to in-  
sane, non compos  
mentis,

SEC. 9. That if any person, shall wilfully, maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said Rail Road or in any way, spoil, injure or destroy said Rail Road, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction, or for the use of said Road, he, she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said Company, for every such offence, treble such damages, as shall be proved before the Justice, Court or Jury, before whom the trial shall be had, to be sued for and recovered before any Justice or any Court proper to try the same, by the Treasurer of the Company, or other officer whom they may direct, to the use of said Company, and such offender or offenders, shall be liable to indictment, by the grand inquest for the county, within which such trespass shall have been committed, for any offence or offences, contrary to the above provisions, and on conviction thereof, before any court competent to try the same shall pay a fine not exceeding one hundred dollars, nor less than thirty dollars to the State, or may be imprisoned for a term not exceeding one year, at the discretion of the Court, before whom the conviction may be had.

Obstructing s'd  
road

Fine

SEC. 10. The annual meeting of the members of said Company shall be held on the first Monday of May, at such time and place as the Directors for the time being, shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares: *Provided*, that no vote shall be given by any proprietor, by reason of any share held by him, exceeding one tenth part of the whole number of shares—and the person first named in this Act, or any two of the persons named therein, are hereby authorised to call the first meeting of said corporation, by giving notice in the Alton Spectator and the ——— of ——— of the time and place and purpose of such meeting at least fifteen days before the time mentioned in such notice.

Meetings

Directors how  
chosen

Proviso

SEC. 11. If said Rail Road in the course thereof, shall

Rivers & high-  
ways.



cross any river, canal, turnpike, or highway or other private way, the said Corporation shall so construct said Rail Road, as not to obstruct the safe and convenient use of such river, canal, turnpike, or other highway, or private way.

Duties of Commissioners.

SEC. 12. That if said Company shall not have been organized, and the location of the route filed with the County Commissioners of the county in which the land proposed to be taken, for the use of said Rail Road is situate, previous to the first of August in the year of our Lord, 1838, and if the said Corporation shall fail to complete the said Rail Road on or before the first day of January 1846 in either of the above named cases, this Act shall be null and void.

SEC. 13. The said Rail Road Company, shall constantly maintain, in good repair, all bridges, with their abutments, and embankments, which they may construct, for the purpose of conducting their Rail Road, over any canal, river, turnpike or other highway, or any private way.

Powers attached to the State after twenty years

SEC. 14. That it shall be in the power of the State, at any time, during the continuance of this charter, after the expiration of twenty five years, from the opening for use of the Rail Road herein provided to be made to purchase of the said Company, the said Rail Road, and all the franchise rights and privileges of the said Company by paying them therefor, the amount expended in making said Rail Road, and in case at the time of such purchase the said Company shall not have received a nett income, equal to ten per cent per annum, on the said expenditures, from the time of payment thereof by the stockholders; by paying the Company such additional sum, as together with the tolls and profits, which they shall have received, from the said Rail Road, will be equal to a nett profit, of ten per cent per annum, on the cost of said Road from the date of the payment thereof by the stockholders of the said Company, to the time of such purchase: and after such purchase, the limitation, provided in the fifth section of this Act, shall cease and be of no effect; and it shall be the duty of said Company from year to year, to make report to the Legislature, of their acts, and doings, receipts and expenditures, under the provisions of this Act.

Powers created and ceded to said corporation.

SEC. 15. The Corporation is hereby empowered to purchase, receive and hold, such real estate as may be necessary, and convenient, for the accomplishing the objects, for which this Act of incorporation is granted, and no more.

APPROVED, Jan. 16, 1836.

*AN ACT to incorporate the Central Branch Wabash Rail Road Company.*

In force, Jan.  
16, 1836.

SEC. 1. *Be it enacted by the people of the state of Illinois,* represented in the General Assembly, That Sidney Breese, William F. Thornton, John Tilson, Charles S. Morton, Simeon Pool, John Todd, John Tackett, Thomas Lewis, Harrison Norfolk, Thomas Smith, Henry G. Smith, James Hite, William B. Archer, Uri Manly, James Water, Thomas B. Trower, John F. Richardson and Nineveh Shaw, their associates, successors and assigns, are hereby crected a body corporate and politic, under the name and style of the "Central Branch Wabash Rail Road Company," and by that name may be, and hereby are made capable in law and equity, to sue and be sued, to final judgment and execution; to plead and be impleaded, defend and be defended, in any court or courts of record, or in any other place whatever; to make, have and use a common seal, and the same to break, renew and alter at pleasure; to contract and be contracted with; and shall be, and hereby are, vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth:—and the said company are hereby authorised and empowered, to locate, construct, and finally complete, a *Rail Road*, commencing at or near Darwin, on the Wabash river, from thence in a line to Shelbyville, by way of Charleston, in Coles county, to intersect with any other rail road in such manner and form as the said Central Branch Rail Road Company shall deem most expedient; and for this purpose said company are authorised to lay out their said rail road at least six rods wide, through the whole length; and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction and security of said rail road; *Provided*, that all damages that may be occasioned to any person or corporation by the taking of such land or materials for the purposes aforesaid, shall be paid for by said company, in the manner hereinafter provided.

Company in-  
corporated.

Name and style  
of incorpora-  
tion.

To intersect  
with other roads

Proviso.

SEC. 2. The capital stock of said company shall consist of five hundred shares, of one hundred dollars each; and the immediate government and direction of the affairs of said company shall be vested in not less than five directors, who shall be chosen by the members of the company in the manner hereinafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their places as directors; and the said directors, or a majority of them, shall form a quorum for the transaction of business—shall elect one of their number to be pres-

Capital stock

Directors, how  
chosen.

ident of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty—and a treasurer, who shall give bond to the company with securities, to the satisfaction of the directors.

Powers ceded

SEC. 3. The president and directors, for the time being, are hereby authorised and empowered, by themselves or their agents, to exercise all the powers and authority herein granted, for the purpose of locating, constructing and completing said rail road: and all such other powers and authority for the management of the affairs of said company, not heretofore granted, as may be necessary to carry into effect the objects of this grant—to purchase and hold lands, materials and other necessary things, in the name of the company, for the use of the road; to make such equal assessments from time to time, on all the shares in said company, as they may deem expedient and necessary in the progress and execution of the work, and direct the same to be paid to the treasurer of the company, and the treasurer shall give notice of all such assessments. The board of directors shall have power to call special meetings of the stockholders of the company, and to adopt rules and bye-laws, regulating the manner and time of payment of all assessments they may order, as they may deem expedient.

Special meetings how called

Liabilities.

SEC. 4. Said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their land, stone or gravel, for the use of said rail road, when the same cannot be obtained by voluntary agreement—to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Persons non compos mentis.

SEC. 5. When the lands or other property or estate of any married woman, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such married woman, and the guardian of such infant, or person non compos mentis, may release all damages in relation to the land or estate to be taken and appropriated as aforesaid, as fully as they might do if the same were holden in their right, respectively.

Persons obstructing said road.

SEC. 6. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said rail road, on any part thereof, or any thing belonging thereto, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proven before any court competent to try the same, to be sued for in the name and behalf of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and liable to indictment in the same manner as other indictments are found, in any



county or counties where such offence shall have been committed; and upon conviction of such offence, shall be liable to a fine not exceeding five thousand dollars, for the use of the county where the indictment may be found, or may be imprisoned not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 7. Said company shall so construct their said rail road across rivers, canals, turpikes, or other public ways, so as not to obstruct, hinder, or interfere with the passage, navigation and free use of such public ways; and if said road shall not be so constructed, it shall be lawful for the persons aggrieved to abate the same, in the same manner as is now provided by law for the removal of obstructions to public ways.

Rivers and  
highways.

SEC. 8. The time and place of holding the annual meetings of said company, for the election of directors and other purposes, shall be fixed and determined by the bye-laws of said company; and at such meetings each proprietor shall be entitled to as many votes as he holds shares; and any two persons named in this act are hereby authorised to call the first meeting of said company, by giving notice in the Illinois Advocate, published at Vandalia, or in any other paper of general circulation in the state, of the time and purpose of such meeting, at least fifteen days before the time mentioned in such notice.

Election of di-  
rectors.

SEC. 9. The president and directors shall have power to make, ordain, and establish such bye-laws, rules and regulations, and ordinances, as they may deem expedient and necessary to accomplish the purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating and securing the interest and affairs of said company; *Provided* the same are not repugnant to the constitution and laws of this state, and of the United States.

Bye-laws.

SEC. 10. A toll shall be, and is hereby granted and established, for the sole benefit of said company, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time, by the direction of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said road, shall be in conformity to such rules and regulations, and provisions, as the directors shall from time to time prescribe and direct; *Provided, however*, that if the nett income and receipts for tolls and other profits, from and after the completion of said road, shall exceed twelve per cent. per annum, the legislature may take measures to reduce said rate

Tolls.

Toll houses.

of tolls and other profits, so as to take off the overplus. The directors of said company, for the time being, are hereby authorised to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed; and so much thereof as shall from time to time be completed.

To be surveyed in two years.

SEC. 11. The said company shall have the route of the proposed rail road surveyed within two years from August next, and the road completed within eight years thereafter, otherwise this act is declared null and void.

The counties of Clark, Coles & Shelby may take stock.

SEC. 12. The county commissioners' court of the counties of Clark, Coles and Shelby, may subscribe for any number of shares of the capital stock of said company, not exceeding twenty shares each, in the same manner and upon the same terms as individuals may do under this act.

APPROVED, Jan. 16, 1836.

In force Jan. 16. 1836.

*AN ACT to incorporate the Galena and Chicago Union Rail Road Company.*

Incorporation, powers of.

SEC. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act, shall continue to be a body corporate and politic, by the name of the "Galena and Chicago Union Rail Road Company," and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make bye-laws, rules and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the existing laws and the constitution of this state, and of the United States; and may moreover appoint such subordinate agents, officers and servants as the business of the said corporation may require, and allow to them a suitable compensation, prescribe their duties, and require bond for the faithful performance thereof, in such penal sums and with such sureties as they may choose, who shall hold their offices during the pleasure of a majority of the directors of the said corporation.

SEC. 2. The said corporation shall have the right to construct, and during its continuance to maintain and continue

a rail road with a single or double track, and with such appurtenances as may be deemed necessary for the convenient use of the same, from the town of Galena, in the county of Joe Daviess, to such point at the town of Chicago, as shall be determined, after a survey shall have been made of the route, to be the eligible, proper, direct and convenient therefor.

Rights of said company.

SEC. 3. The capital stock of the said corporation shall be one hundred thousand dollars, which shall be deemed personal property, and shall be divided into shares of one hundred dollars each. The capital stock of said corporation may at any time hereafter be increased to a sum not exceeding one million of dollars, if the same shall be judged necessary to the completion of the said work, and the same shall be subscribed for and taken under the direction of the directors of the said corporation, whenever they shall direct one or more books to be opened for such purposes, and shall be subscribed and taken in such manner as the directors of the said corporation, for that purpose, shall order and appoint.

Capital stock.

SEC. 4. William Bennett, Thomas Drummond, J. C. Goodhue, Peter Semple, J. M. Turner, E. D. Taylor and J. B. Thomas, jr., shall be commissioners for receiving subscriptions to the capital stock of said corporation, who shall give notice within twelve months after the passage of this act, of the time and place where books will be opened at Galena and Chicago, and such other places as they may deem necessary, in some public newspaper printed at the said places, at least thirty days previous to the opening such books for the receiving subscriptions to the capital stock of said corporation. The majority of the commissioners shall attend at the time and place appointed by such notice for the opening of said books, and shall continue to receive such subscriptions to the capital stock of the said corporation, from all persons who will subscribe thereto, until the whole amount thereof shall have been subscribed, when the said books shall be closed. Each subscriber, at the time of subscribing, shall pay to the commissioners one dollar on each share of the stock subscribed for by him; and the said commissioners shall, as soon as the directors are elected, deliver to them the whole amount so received.

Commissioners, duties of.

SEC. 5. The affairs of said corporation shall be managed by a board of seven directors, to be annually chosen by the stockholders from among themselves, as soon as may be, after the stock has been subscribed. The commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors, and at such time and place appointed for that purpose, the

Directors, election of.



commissioners, or a majority of them shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect their directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All future elections shall be held at the time and in the manner prescribed by the bye-laws and regulations of the said corporation. Each stockholder shall be allowed as many votes as he owns shares, at the commencement of each election, and a plurality of votes shall determine the choice; but no stockholders shall be allowed to vote at any election after the first, for any stock which shall have been assigned to him within thirty days previous to the day of holding such election.—The said directors shall hold their offices for one year after their election, and shall elect one of their number president of the said board.

SEC. 6. The said corporation is authorised to construct, make and use, a single or double rail road or way, of suitable width and dimensions, to be determined by said corporation, on the line, course or way which may be designated and selected by the directors as the line, course or way, whereon to construct and make the same; and shall have power to regulate the time and manner in which goods, effects and passengers shall be transported, taken and carried on the same; and to prescribe the manner in which the said rail road shall be used, by what force the carriages to be used thereon may be propelled, and the rates of toll on the transportation of persons or property thereon; and shall have power to erect and maintain houses, toll gates, and other buildings for the accommodation and management of the said road, and transport thereon, as may be deemed suitable to their interest. And they may also construct, maintain and use such other lateral routes as may be deemed advantageous, and expedient and necessary, under the same rights and privileges as by this act is prescribed for the constructing of the main route; and it shall be lawful also for the said corporation to unite with any other rail road company already incorporated, or which may be incorporated, upon any part of the route of the said rail road, upon such terms as may be agreed upon by the directors of said companies, and also to construct such other and lateral routes, as may be necessary to connect them with any other route or routes, which may be deemed expedient.

SEC. 7. If at any time after the passage of this act, it shall be deemed advisable by the directors of the said corporation, to make and establish a good permanent turnpike road, up-

Privileges of  
said corpora-  
tion.

Road, how  
used.

Houses and  
toll gates.

on any portion of the route of the rail road, by this act authorised to be constructed, then the said directors are hereby authorised and empowered to construct a turnpike on any portion of the said route, of the following dimensions:—not less than one hundred feet wide, twenty-two feet of which shall be based with stone or gravel, or other hard substance, well compacted together, and of sufficient depth to secure a good foundation, where necessary, the whole of which shall be faced with gravel or stone, of a depth not less than six inches, in such manner as to secure a firm and even surface, rising in the middle by a gradual arch; and where other roads may intersect, it shall be so constructed that carriages may conveniently pass over the turnpike road. And the said corporation is hereby authorised to erect, at both ends of said road, and at such other points upon the line thereof, as many gates as shall be deemed necessary thereon.

SEC. 8. It shall be lawful for said corporation to appoint toll gatherers, to collect and receive of and from all persons using said road, the following rates of toll, to wit:—for each and every mile of transport or travel upon said turnpike road, for a man and horse, two cents, or for a single person, one cent; for four or six horse or ox wagon and driver, loaded, three cents, and for the same empty, two cents; for all four horse carriages and driver, five cents; for a two horse wagon, or one yoke of oxen and wagon, three cents; for two horse pleasure carriages, four cents; for a one horse carriage or gig, two cents; for horses, mules or cattle in droves, half a cent per head; for hogs, goats and sheep, one mill per head. When sleds are used instead of wheels, one-half of the above specified tolls. And it shall be lawful for any toll gatherer to stop and detain any person from going on said road, until they shall pay to him the toll properly chargeable to him; and when any person shall pay to the toll gatherer the toll chargeable to him, the toll gatherer shall give to him a ticket, authorising him to pass the whole distance of the road for which he has paid. And the president and directors shall cause to be kept upon each gate, in some conspicuous place, where it may be easily read, a printed list of the tolls which may be lawfully demanded. Said corporation shall cause to be erected mile posts or stones, to be maintained; and also erect guide posts, at the intersection of all highways, leading into or from said turnpike road, on which shall be inscribed the name of the town or public place to which it leads; and if any person shall wilfully cut down such posts, or shall wilfully break or throw down any of the said gates, or turnpike, or shall dig or spoil any of the said road, or any thing thereunto belonging, or shall forcibly pass either of the gates, without first having paid the legal tolls,

Discretionary powers of said corporation.

Powers of appointing.

Rates of toll.

Privileges of toll gatherers.

Duty of directors.



such persons shall pay and forfeit for every such offence and injury, the sum of twenty-five dollars, to be recovered by the said corporation in an action of debt, before any justice of the peace of the county where the offender or offenders may be found; and if any person shall turn out of the said road, and pass any of the gates, and again enter upon such road, to avoid the payment of tolls, he shall forfeit to the corporation the sum of five dollars, to be recovered in like manner.

Liabilities of  
toll gatherers.

SEC. 9. If any toll gatherer shall unreasonably delay or hinder any traveler or passenger, or shall demand more toll than by this act is allowed, he shall forfeit and pay to the person injured the sum of five dollars, in the manner provided in the preceding section; and if he shall be unable to pay it, the corporation shall be held responsible therefor.

Tolls, when  
collected.

Road to be  
kept in repair.

SEC. 10. As soon as any five miles of the turnpike shall be completed, said corporation may erect gates thereon, and collect the toll allowed by this act. And it shall be the duty of said corporation, when said road shall have been completed, to keep it in good repair; and whenever, from any cause whatever, the same shall become injured, said corporation shall immediately proceed to repair the same.— And it shall be lawful for the said corporation to commence the construction of the said rail road or way, or turnpike, at such points on any part of the aforesaid route or routes, heretofore described, as in its judgment may appear expedient and proper. Said corporation are authorised to borrow any sum of money, which may, in their discretion, be deemed necessary, not exceeding its capital stock, to aid in the construction of the said roads; and if it shall at any time appear to the said corporation that any part thereof, or any surplus funds is not necessary to be retained, the same may be loaned on such terms as the directors of the said corporation may deem proper, not however, at a higher rate of interest than that now allowed by the laws of this state.

Commence-  
of said road.

Privileges of  
said corpora-  
tion.

SEC. 11. In case the corporation shall not be able to acquire the title to the lands through which the said road shall be laid, by purchase or voluntary cession, it shall be lawful for the said corporation to appropriate so much of said lands as may be necessary for its own use, for the purposes contemplated by this act, on complying with the provisions of the six following sections.

Directors may  
present petition,  
&c.

SEC. 12. The directors may present a petition to the judge of the circuit court of the county in which the said land may be situated, setting forth by some proper description, the lands which are wanted for the construction of said rail road, or turnpike, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with conveni-

ence, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such land will severally sustain, by reason of the appropriation thereof, by the said corporation, to its own use. Damages to be assessed.

SEC. 13. On the presentment of said petition, said circuit judge shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable, to be given of the time and place of hearing; and in case it shall appear that any of the owners of said lands is a feme covert, an infant, or insane, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of the said judge to appoint some discreet and reputable person, to act in the premises, in his or her behalf. Petitions to circuit judge.

SEC. 14. At the time appointed for such hearing, the said judge shall appoint three disinterested persons, freeholders, residents of the county in which said lands may lie, for the purposes of assessing such damages, and in the order in which they were appointed, shall direct and specify what lands are proposed to be appropriated and occupied by the the said corporation, for the purposes aforesaid. Duties of said judges.

SEC. 15. Said appraisers, after being duly sworn before some officer, properly authorised to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain, by the appropriation of his land for the use or accommodation of such rail road or turnpike, or their appendages. Duties of appraisers.

SEC. 16. The said appraisers shall make a report to the said judge, in writing, under their hands, reciting the order for their appointment, and specifying the several parcels described therein, with all necessary certainty—the names of the owners of the respective parcels, if known, and if not known, stating that fact, and specifying also the damages which the owners of the respective parcels will sustain, by reason of the appropriation of the same, for the purposes aforesaid; and in case either of the parties is dissatisfied with the assessment, the said judge may, on the hearing of the parties, and interest, modify the assessment, as to him shall appear just. Appraisers to make report, &c.

SEC. 17. On the payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by said judge; or on depositing the amount thereof, for the use of such owners, in such bank or monied incorporation as the said judge shall direct, the said corporation shall immediately become entitled to the use of the said lands, for the purposes aforesaid; and the report of the Duties of said judge.

said appraisers, with the order of said judge, modifying the same, if the same shall have been modified, shall be recorded in the office of the recorder of the county in which said lands shall be situated, in the same manner, and the like effect, as deeds are recorded, without any other proof than the certificate of the said judge, that the report is genuine.

Corporation,  
when seized &  
possessed of  
lands.

SEC. 18. And when the said order shall have been so recorded as aforesaid, the said corporation shall be seized and possessed of such land or real estate, and may enter upon, and take possession, and use the same for the purposes herein before recited.

Duties imposed  
upon corpora-  
tion.

SEC. 19. Said corporation shall be bound to repair all public highways, bridges, and water courses, which may be injured in constructing the said rail road or its appendages, and shall restore them, as far as practicable, to as good a condition as they were in before they were injured.

SEC. 20. The said corporation shall be allowed three years from the passage of this act, for the commencement of the construction of the said rail road and turnpike; and in case the same shall not be completed within ten years thereafter, the privileges herein granted shall be forfeited.

Injuring said  
road, &c.

SEC. 21. Any person who shall wilfully injure said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the corporation, a sum equal to three times the amount of damages occasioned by such injury, to be recovered, with costs of suit, in the name of such corporation, in an action of debt, before any court having cognizance thereof, or before any justice of the peace in the county where injury or offence may have been committed.

Deemed a pub-  
lic act.

SEC. 22. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended, and all copies thereof printed, by or under the direction of the general assembly of this state, shall be received in all courts and places whatsoever, in said state, as sufficient evidence thereof, without further proof.

APPROVED, Jan. 16, 1836.

Incorporation.  
In force Jan.  
13, 1836.

*AN ACT to incorporate the Chicago Marine and Fire Insurance Company.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That there shall be*



established in the town of Chicago, an insurance company, <sup>Incorporation.</sup> to be called the "Chicago Marine and Fire Insurance Company."

SEC. 2. All such persons as shall hereafter be stockholders of said company, shall be, and they are hereby declared <sup>Name and style</sup> to be, a body corporate and politic, by the name and style of the Chicago Marine and Fire Insurance Company, and to continue for thirty years from and after the passage of this act, and by that name and style, shall be competent to contract and be contracted with, and be capable in law and equity to sue and be sued, to plead and be impleaded, <sup>Sue and be sued.</sup> answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever.

SEC. 3. The said corporation may have and use a common seal, which they may alter, change or break at pleasure; and may also make and establish, and put in execution, such bye-laws, ordinances and regulations as shall, <sup>Common Seal.</sup> in their opinion, be necessary for the good government of said corporation, and the prudent and efficient management of its affairs: no bye-laws, ordinances and regulations of the same, shall be in any wise contrary to the constitution and laws of this state, or of the United States. <sup>Powers of the corporation.</sup>

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be paid in such instalments as the directors chosen under this act, may from time to time direct, under such penalties as the president and directors may, in their discretion, appoint and order. The said capital stock may hereafter be increased to an amount not exceeding five hundred thousand dollars, in the discretion of a majority of the directors of said incorporation, to be subscribed for and taken under the direction and superintendence of the president and directors aforesaid, or a majority of the said directors, by any person whomsoever, in the same manner as is provided for the subscription to the original capital stock. <sup>Capital stock.</sup> The stock of said corporation shall be assignable and transferable, according to such rules as shall be adopted in that behalf, by the bye-laws and ordinances thereof.

SEC. 5. The corporation hereby created, shall have power and authority to make marine insurance upon vessels, <sup>Corporation, privileges of.</sup> goods and merchandise, freight, monies, bottomry, respondentia, interest, and on all marine risks, and inland navigation and transportation, and against all losses by fire, of any buildings or houses whatsoever, and vessels on the stocks; (and also to receive monies on deposit, and to loan the same on bottomry and respondentia, or otherwise, at such rates of interest as may now be done by the existing laws of this state;) and they may also cause themselves to



be re-insured against any maritime risks, upon which they have made insurance, and upon the interest which they may have in any vessels, goods or merchandise, or houses, in virtue of any such loans, whether on bottomry and respondentia, or otherwise, on such terms and conditions as may be agreed upon by the parties, and to fix the premiums and terms of payment.

**Duty of president, secretary.** SEC. 6. All policies of insurance by them made, shall be subscribed by the president, or in case of his death or absence, by the vice president, and countersigned and sealed by the secretary of said company; and all losses arising under any policy, so subscribed and sealed, may be adjusted and settled by the president and board of directors.

**Restriction.** SEC. 7. The said corporation shall not take any risk, nor subscribe any policy by virtue of this act, until one-fourth part of the capital stock thereof, shall have been actually paid in.

**Powers of corporation** SEC. 8. The said company shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatever, but the president and directors may, at their option, vest the capital stock of said corporation in the capital stock of any incorporated bank, trust company, or public funds of the United States, or any state in the Union. They shall have power also to loan to any citizen of this state, any portion of their capital stock, not exceeding ten thousand dollars to one individual, on bottomry, bond, mortgage of real estate, or other satisfactory security, at their discretion.

**Privileges** SEC. 9. The said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business, and to an amount at any one time, not exceeding twenty thousand dollars, and to take and hold any real estate as securities mortgaged or pledged to the said corporation, to secure the payment of any debt due, or that may become due to it, and also to purchase on sales made by virtue of any judgment at law, or any decree of a court of equity, or otherwise; to take and receive any real estate in payment, or towards satisfaction of any debt previously contracted, or due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money, or other personal property, and to sell and convey said real estate, or any part thereof.

**Commissioners to open books, and receive subscriptions.** SEC. 10. Peter Bruyne, James Grant, James Whitlock, George W. Dole and Francis Sherman, are hereby appointed commissioners for superintending subscriptions to said capital stock; and the said commissioners, or a majority of them, shall open one or more subscription books for said stock, on the second Monday of March, in the year of our

Lord one thousand eight hundred and thirty-six, in the town of Chicago, and the sum of two dollars on each share subscribed for, shall be paid to said commissioners, at the time of making such subscriptions. The books may be closed whenever the whole of said stock shall be subscribed; and whenever a board of directors shall be duly elected, the said commissioners shall deliver over to the said board of directors, said books, and shall pay over to said board the whole amount of money by them respectively, or jointly received, except so much as shall be retained for the expenses incurred by them, in executing the duties imposed on them, by this act; *Provided, however*, that if the books for the subscription of stock shall not be opened at the time herein required, the said commissioners may open the books at any time thereafter, upon giving twenty days' notice in all the newspapers printed in Chicago, of the time and place of opening the same.

Duty of commissioners.

Proviso.

SEC. 11. In case of the death, resignation, or absence of any of the commissioners named in this act of incorporation, it shall and may be lawful for any three of them to form a quorum, and proceed to business, whose duties shall be the same in the premises, as those prescribed to the whole of said commissioners, by this act of incorporation named, and their acts as such shall be legal.

Death or resignation of commissioners.

SEC. 12. The stock, property, and concerns of said incorporation, shall be managed and conducted by nine directors, who shall hold their offices for one year, and until others shall be chosen, and no longer, and shall at the time of their election, be citizens of this state, and holders, respectively, of not less than ten shares of the capital stock of said company.

Stock and concerns, by whom conducted.

SEC. 13. The first election of directors under this act, shall be held at such time and place, in the town of Chicago, as shall be directed by the said commissioners, or a majority of them, who, or a majority thereof, are hereby appointed inspectors of said election; and the persons thus elected as directors, shall hold their offices until the first Monday in May, in the year one thousand eight hundred and thirty-seven, and until others are elected in their stead.

Election of directors.

SEC. 14. The directors for every subsequent year shall be elected on the first Monday of May, in each year, at such time of the day, and at such place within the town of Chicago, and under the direction of such persons as a majority of the directors, for the time being, shall appoint by a resolution, to be entered on their minutes.

Directors, when elected.

SEC. 15. All elections shall be by ballot, allowing one vote to each share of the capital stock, and the nine persons who shall have the greatest number of votes, shall be directors.

Elections by ballot.

- tors; and if at any election two or more persons shall have an equal number of votes, so as to leave their election undecided, then the directors who have been duly elected, shall proceed by ballot, and by a plurality, determine which of said persons, so having an equal number of votes, shall be director or directors, so as to complete the whole number; and whenever any vacancy shall happen for the office of president or vice president, or directors, from death or other cause, such vacancy shall be filled for the remainder of the year in which it shall happen, by the directors for the time being, or a majority of them; the said commissioners shall certify under their hands and seal, the persons elected, and deliver such certificate to the persons selected, or to some one of them; and if through any unavoidable accident, said directors should not be chosen on the first Monday, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein provided.
- Vacancies**      **SEC. 16.** The directors when chosen, shall meet as soon as may be after every election, and shall choose out of their number a president, who shall be sworn or affirmed, faithfully to discharge the duties of the office, and shall preside for one year, and until another person shall be chosen in his stead; and also a vice president for the same term; they shall have power to appoint a secretary, and all subordinate officers of said corporation, fix their compensation, define their powers, and prescribe their duties—who shall give such bond, and in such penal sums, with such conditions, and with such securities, as the directors shall prescribe, and hold their several offices during the pleasure of a majority of said directors.
- Duties of directors.**      **SEC. 17.** The president and vice president and four of the directors, shall be a board competent to the transaction of business, and all questions shall be decided by a majority of votes.
- Bonds required**      **SEC. 18.** The president and directors of said company shall, previous to subscribing any policy, and once in every year after, publish in two of the newspapers printed in this state, the amount of their capital stock, against what risks they mean to insure, and the largest sum they mean to take on any risk.
- Quorum.**      **SEC. 19.** The legislature of this state shall never pass any law retarding or obstructing, or in any wise suspending the collection of any debt or debts, due said corporation.
- Duties of president and directors.**      **SEC. 20.** The expenses incurred by the commissioners in executing any duties required by this act, shall be paid out of the monies received by them, from the subscribers, out of the capital stock, and may be retained by them for such purposes.
- Legislation.**
- Compensation allowed commissioners.**



SEC. 21. It shall be the duty of the directors of said company, at such times as the bye-laws thereof shall prescribe, to make dividends of so much of their interest, arising from the capital stock, and the profits of said company, as to them shall appear advisable;—but the money received and notes taken for premiums, or risks which shall be undetermined, and outstanding at the time of making such dividends, shall not be considered as a part of the profits of said company. And in case of any loss or losses, whereby the capital stock of said company shall be lessened, before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place, and no subsequent dividend shall be made, until the sum arising from the profits of the business of the said company, equal to such diminution, shall have been added to the capital stock; and once in every three years, and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Extension of  
duties imposed  
on directors.

SEC. 22. This act is hereby declared to be a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose herein contained.

Public act.

SEC. 23. This charter shall be void and of no effect, unless the stock shall be subscribed, and the company shall commence operations agreeably to the provisions thereof, within two years after the passage of this act.

Charter.

SEC. 24. Nothing in this act contained shall confer on said corporation banking powers, or authorise it to issue notes in the similitude of bank notes, to be issued as a circulating medium, in lieu of money.

Banking.

SEC. 25. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses having taken place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for any and every loss which shall take place, under policies so subscribed; and the estates of stockholders as aforesaid, shall be liable for any losses equal to the amount of said capital stock subscribed, and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in, or profits not divided.

Liabilities of  
president and  
directors.

APPROVED, Jan. 13, 1836.



In force 15th  
Jan., 1836.

*AN ACT to incorporate the Wabash and Mississippi Rail Road Company.*

Company in-  
corporated

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Williams, James Bell, William Carpenter and William Craig of Sangamon County, John H. Murphy, Samuel McRoberts, Geo. W. Cassedy of Vermillion county; Matthew Stacy, James Tiltan and Levi Harlen of Morgan county; Joseph T. Holmes, Edward L. Pearson and John W. McFadden of Adams county; and all such other persons as shall become stockholders, agreeably to the provisions of this Act in the corporation hereby created; shall be and continue for the space of sixty years from the passage of this Act, a body corporate and politic, by the name of the "Wabash and Mississippi Rail Road Company."

To continue 60  
years.

To construct a  
Rail Road.

SEC. 2. The said corporation shall have the right to construct, and during its existence to maintain, and continue a Rail Road, or Rail Roads, with a single or double track: with all such appendages, as may be deemed necessary, for the convenient use of the same; and to transport, take and carry, persons and property of every kind upon the same, by the power and force of steam, animals, or any mechanical or other power, or any combination of them, which the said corporation may choose to employ, for and during the term of sixty years from the passage of this act.

Commencement

SEC. 3. Said Rail Road shall commence at a point on the State line between the States of Indiana and Illinois, to be selected by the Directors, where a direct line from Danville either to Lafayette, Covington or Perryville, crosses said State line, thence to the town of Danville in Vermillion county, thence to Decatur in Macon county, thence to Springfield in Sangamon county, thence to Jacksonville in Morgan county, thence to Meredocia in said county, thence to Mount Sterling in Schuyler county, thence to Clayton, and thence to Quincy in Adams county; *Provided*, that said company shall unite and connect, their said Rail Road with the Rail Road authorised to be constructed from Jacksonville to Meredocia by the "Jacksonville and Meredocia Rail Road Company," at Jacksonville, upon such terms and at such place as may be agreed on by the Companies; and in case of disagreement, as to the place or terms, as the Judge of the Circuit Court of Morgan county shall decide, upon a hearing of all the facts; whose decision shall be final and conclusive; *Provided further*, that said companies may refer such disagreement to arbitrators, mutually agreed on, in which case, the award of the Arbitrators, shall be conclusive upon the parties: And it is further provided, that the

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company hereby incorporated, shall not have the right to construct any Rail road, from Jacksonville to Meredocia, except upon the condition, that the Jacksonville and Meredocia Rail Road company shall consent thereto; or shall surrender, or forfeit their charter.

SEC. 4. If the said corporation hereby created, shall not within four years from the passage of this Act, commence the construction of said Rail Road or way, and within that time expend thereon, at least, the sum of twenty thousand dollars, and shall not within ten years from the passage of this Act, construct, finish and put in operation said single or double track Rail Road, over at least one half the distance prescribed in the third section hereof; then the said corporation shall forever cease, and this Act shall be null and void.

SEC. 5. The Capital Stock of said Corporation, shall be three million of dollars, with liberty for said Company, if they shall deem it necessary to increase the same to five millions; which shall be divided into shares of fifty dollars each and which shall be transferable in such manner as said corporation may direct, and the same shall be deemed personal property.

Capital stock may be increased.

SEC. 6. That James Bell, Robert Irvin, Thomas Houghan, John H. Murphy, Samuel McRoberts, and George W. Cassedy shall be commissioners, the duty of whom or a majority of them, shall be, at some suitable place in the cities of New York and Philadelphia, and St. Louis, Buffalo, and in the towns of Alton, Quincy, Jacksonville, Springfield and Danville, Illinois, at all or any of said places, to open books to receive subscriptions to the Capital Stock of said Corporation, and to do such other things as in their opinion, is best calculated to have said stock taken up and subscribed for; sixty days public notice shall be given by said Commissioners of the time and place of opening of said books, in one of the public newspapers, and the said commissioners in each of said places, shall, at the time of any subscriptions by any person or persons, for the Capital Stock of said Corporation, require the payment to them, by the person or persons subscribing of five dollars, towards, and upon every fifty dollars so subscribed, and unless the same shall be paid, the subscription shall be invalid. And in case a greater amount of Capital Stock shall be subscribed for, than the sum of three millions of dollars; the said Commissioners, shall distribute and graduate the Stock, in such manner as a majority of them shall deem most advantageous, to the interests of the Corporation; but in case the Capital Stock shall not be subscribed for, then the said Commissioners shall be, and are hereby authorized to re-open said books

Commissioners to open books for subscription for stock.

Stock to be graduated.

at such times and places, and in such manner, and after such notice as they, or a majority of them shall direct.

Manner in  
which Directors  
shall be chosen.

SEC. 7. That whenever the said Capital Stock shall have been subscribed for, and distribution made as aforesaid, it shall be the duty of said Commissioners, to give thirty days notice, in one of the public newspapers, printed in each of the towns above named, for a meeting of the Stockholders of said Corporation, to meet at the town of Springfield to choose seven Directors; and said notice shall, specify, the time of holding said meeting; and such election shall then and there be made, by such of the Stockholders as shall attend for that purpose either in person, or by lawful proxy.

SEC. 8. That each share of the Capital Stock, owned ten days previous to any day of election for Directors, shall entitle the owner and holder to one vote, either personally, or by proxy; and the said Commissioners shall be inspectors of the first election of Directors for said Company and shall certify, under their hands, the names of those duly elected, and deliver over the subscription, money, books and papers to said Directors; and the time and place of holding the first meeting of Directors, shall be fixed by said Commissioners.

Examination  
and surveys

SEC. 9. The said Directors, shall cause such examinations and surveys for the said Rail Road to be made, as may be necessary, to the selection by them, of the most advantageous line, course or way for the said Road, on the route set forth in the third section of this Act, and the said Directors shall, after such examinations, and surveys shall be made select, and by certificates, under their hands and seals, designate the line, or course or way, which they, or a majority of them shall deem most advantageous, for the said Rail Road: one report of said survey, with courses and distances, with a certificate annexed thereto, shall be filed in the office of the Secretary of State; and a copy thereof presented to the Recorder of each county through which said Road shall pass, and be recorded, filed and preserved, which line, course or way, so selected, filed and recorded, shall, be deemed the line, course or way, on which the said corporation shall construct, erect, build or make the Rail Road as heretofore mentioned.

Term of office.

SEC. 10. The first Directors to be chosen shall hold their offices, until the first Monday in December in the year next succeeding their elections, and until others shall be chosen, and every election of Directors thereafter, shall be held annually at Springfield on the first Monday in December in each and every year, notice of the same being first given twenty days thereto, in a public newspaper, printed in each of the towns of Quincy, Alton, Jacksonville, Springfield



and Danville—every election shall be held, under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of Directors. All elections shall be determined by ballot, and a plurality of the votes given, shall constitute a choice. No stockholder shall be eligible to the Office of Director, unless he shall own stock, to the amount of ten shares. In case an equal number of votes should be given, for any two or more for Directors, the remainder of the Directors chosen, shall by ballot determine; who shall be entitled to a seat at the board.

Election to be  
by ballot

SEC. 11. In case it should at any time happen, that an election of Directors shall not be made in any day when, pursuant to this Act it ought to have been made; the said Corporation shall not for that cause be dissolved, but such election may be held at any other time directed by the by-laws of said Corporation within sixty days after the day on which it should have been held.

SEC. 12. The said Corporation is hereby empowered to purchase, receive and hold such real estate as may be necessary and convenient for the accomplishing the object for which this Act of incorporation is granted; and may by their agents, surveyors and engineers, enter upon and take possession of, and use all such lands and real estate, and materials, as may be indispensable for the construction and maintenance of their Rail Road or trackway, and accommodations and appurtenances, required and appertaining thereto; and may also receive, hold and take, all such voluntary grants, and donations of land and real estate, and materials for the purposes of said Rail Road as shall be made to the said Corporation, by the General or State Government, or by any Corporation, Company, individual or individuals, to aid in the construction, maintenance and accommodation of the said Rail Road, completely vesting in said Company and Corporation absolutely in fee simple the same. But all lands and real estate thus entered upon for materials or otherwise, which are not donated or owned by the Company, shall be purchased by the said Corporation of the owner or owners thereof, at a price to be agreed on mutually, by the Company and the owner or owners; In case of a disagreement as to price, and before the taking of any materials or making of any part of said Road, on said land, in controversy, it shall be lawful for the Commissioners, Superintendents, or other authorised person or persons of said Company, to apply to some Justice of the Peace, of the county, in which said lands or materials may be situate, who shall cause five freeholders to be summoned, who after being duly sworn, faithfully and impartially to examine the ground

Nature and  
powers of the  
incorporation.

Lands not do-  
nated to be pur-  
chased and how



or materials to be pointed out to them, by the commissioners, superintendant or other authorised person or persons; and reasonable notice having been given to the owner or owners of the property, said freeholders shall assess the damages, which such owner or owners will sustain, over and above the additional value which such land will derive from the construction of such Road, and make a report, signed by at least a majority of them; one of which they shall deliver to the commissioners, superintendant, or other authorised person or persons, requiring said view and assessment, and the other to the Justice of the Peace by whom they were sworn; and the amount of damages and costs thus assessed, being paid to the owner or owners, or deposited with the Justice of the Peace aforesaid, the Road may be constructed and located on said lands, and the materials aforesaid be taken. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be had to the Circuit Court of the county in which the lands may lie, by petition setting forth the facts of the case, describing the land and premises, and the necessity of such land for making said Rail Road, and the attempt and failure to purchase the same, with the name and residence of the owner or owners of the same, and the reason why the purchase cannot be made; and the Circuit Court aforesaid, acting and setting as a Court of chancery, shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time and place of hearing the parties: *Provided*, That in case the appellee shall have had five days previous notice in writing of the taking of the appeal no further notice shall be necessary, but said Court shall proceed to hear and determine said case, as speedily as practicable; and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties (which may be taken orally or by depositions) it shall make such order and decree in the premises, as to it may seem proper, and equitable, and may either increase or diminish the amount of damages, or reject said petition altogether and shall also make such order for the payment of costs, as may be just and proper: said Court shall also order a conveyance of the said land in controversy to be made, when the decree shall be complied with, on the part of the Corporation; whenever said order and decree shall be fully complied with on the part, and behalf of said Corporation, it shall be possessed of the land in controversy, and may enter upon, and take possession of, and use the same, for the purposes of said Road; where a difficulty shall arise as to the value of materials which may be needed to construct said work, or the amount of damages done to land, by the agents of the Company, passing through said land, in

May appeal to  
Circuit Court.

Proviso

collecting materials aforesaid, there shall be no appeal taken to the circuit court, but in case the parties or either of them shall be dissatisfied, and it shall appear to the Justice, that it is right and necessary to justice, he may set aside the first valuation: *Provided*, The same shall be done in three days after said valuation, and appoint five other commissioners, to appraise and value the materials or damages last aforesaid, whose award in writing, in the premises shall be final, and who shall apportion the costs, on one or both of the parties, as to them may seem just and proper.

SEC. 13. In case any married woman, infant, idiot or insane person, or any non-resident of the State, who shall not appear, after such notice, shall be interested, in any such land or real estate; the circuit court or justice of the peace shall appoint some competent and suitable person, to appear before said commissioners, or said circuit court, and act for, and in behalf of such married woman, infant, insane person, idiot or non-resident of the state.

SEC. 14. The said corporation, is hereby authorised and empowered to regulate the time and manner in which goods, passengers and property shall be transported, taken and carried on said Rail Road, and shall have power to erect and maintain toll houses, and other buildings necessary for the accommodation of their concerns, and from time to time, to fix, regulate, demand, and receive, the tolls and charges by them to be received, for the transportation of property and persons, on the single or double rail road, or ways aforesaid.

SEC. 15. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction, or work of the said corporation or, any engine, machine or structure or any matter or thing, appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed; the person or persons so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to said corporation treble the amount of damages sustained, by means of such offence or injury, to be recovered in the name of said corporation, with cost of suit, by action of debt, and shall be subject to indictment and punishment for high crimes and misdemeanors as in other cases.

SEC. 16. All the officers and agents necessary to carry on, and superintend the interest of the corporation, shall be appointed or elected, and continue in office, as the directors shall point out, and determine, in the bye laws, and general regulations of the company; and it shall be lawful for the Directors, to require payment of the sums to be subscribed to the capital stock; at such times, and in such

proportions, and on such conditions, as they shall deem fit and right, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time, when and where the same are to be paid, at least thirty days previous to the payment of the same in a public newspaper, printed in Alton, Quincy, Jacksonville, Springfield and Danville.

Road to intersect, or cross water course or highway.

SEC. 17. Whenever it shall be necessary for the construction of the single or double rail way; to intersect, or cross any stream of water, or any road, or highway, it shall be lawful for the corporation, to construct across or upon the same; but the corporation shall restore the stream, or water course, or road, or highway, thus intersected to its former state, or in a sufficient manner, not to impair its usefulness.

Powers of said incorporation.

SEC. 18. All persons who shall become holders of the capital stock, of said incorporation, pursuant to this act, shall and are hereby constituted a body corporate, by the name of the "President, Directors, and Company of the Wabash and Mississippi Rail Road," and by that name shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto defend and be defended, in all courts having competent jurisdiction, may have and use a common seal, and the same alter, break and renew at pleasure; and may also make, ordain establish, and put in execution, such by laws, ordinances, rules and regulations, as shall be necessary for the government of said corporation, and the prudent and efficient management of its concerns; and it shall be sufficient service of any process against said corporation, to serve the same either on the president of the board of directors, or the secretary of the company, and in case of their absence, to leave a copy of the same at the office of said Secretary.

SEC. 19. The whole of the stock of said company shall be deemed personal property, and together with all the tools, implements, machinery, apparatus of every description, used or employed, or on hand, belonging to the company, shall be liable to be seized, executed, and sold, after judgment, to make good, any contract, agreement, or stipulation, made by any agent, superintendent, or other authorised person.

When completed, Board shall make out statement of expense

SEC. 20. That when said road shall be completed, the president and directors shall make out a minute, full and detailed statement of the expenses of constructing the same, which report shall be under the oath of the president and directors, and shall be filed in the secretary's office of this state; and from thenceforth shall annually make a report in detail of their proceedings, and expenditures, and all tolls received on said rail road, verified by affidavit, and file the same in the office of the secretary of state.



SEC. 21. That the directors, shall as soon as may be after every election, choose out of their own number, one president, and one other person to be vice president and fix their salaries; and in case of the death, resignation, or removal of the president, vice president, or of any director, such vacancy or vacancies, may be filled for the remainder of the year, by the board of directors—and in case of the absence of the president or vice president; shall have power to appoint a president *pro tem*.

To elect president and vice president.

SEC. 22. It shall be lawful for any rail road company which heretofore has, or hereafter may be incorporated, to join or unite with the rail road, hereby created, and incorporated at any point, at which the directors of said companies, may think advisable, and agree upon, and in case of a disagreement between the directors of said companies; then upon such terms as the circuit court of the county where said roads may meet; upon a full view and hearing of all the facts connected with the case, may determine to be equitable and just between said companies.

Other railroads may be united with this.

SEC. 23. The said directors when chosen as aforesaid, shall have power, and are hereby authorized, to construct, either the whole, or any part or parts of said Rail Roads, and between any of the points designated as aforesaid, in the discretion of said directors, and as they may determine most advantageous to the interests of said company; *Provided*,—They shall complete one half of the whole of said rail road, as required in the fourth section of this act.

May construct the whole or a part

Proviso

APPROVED, Jan. 15, 1836.

# *AN ACT to incorporate the Carlyle Bridge Company.*

In force 16th Jan., 1836.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Mary D. Slade, and James B. Campbell, of Cook county, and Thomas Keyes, of Bond county, their associates, assigns and successors, shall be, and they are hereby constituted a body corporate and politic, by the name and style of the “Carlyle Bridge Company,” from and after the passage of this act, and by that name, they and their successors, shall and may hereafter have succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered, in all courts and places whatsoever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they, and their succes-

Company incorporated.

Sue and be sued, &c.



sors by that name and style, shall be in law capable of purchasing and holding, and conveying, any estate, real and personal, for the use of said company, as hereinafter limited.

**Capital stock.** SEC. 2. That the capital stock of said company shall not exceed twenty-five thousand dollars, divided into such number of shares, and of such amounts each, as the said Mary D. Slade and her successors or assigns, shall think proper; and

**Election.** the said company, thus created, shall meet on the fourth day of July next, or within three months thereafter, for the purpose of choosing such officers as a majority of them shall determine, and every stockholder shall be entitled at such and all other elections, to one vote for each share owned. The first Monday in the month in which such election shall be held, shall be the anniversary day of all subsequent elections of such officers. A majority of the stockholders shall be a quorum, and shall be capable of transacting the business of the corporation; and any act of the majority of said stockholders, shall be binding on said corporation. The said company, or a majority of them, may meet from time to time, as may be directed by their rules and regulations, and shall have power to make such bye-laws, rules and regulations, as shall be deemed expedient and proper, for the well ordering of the affairs of said company; *Provided*, the same be not repugnant to the constitution and laws of this state, and of the United States.

**Powers of said company**

**Proviso.**

**Powers vested to Company.** SEC. 3. The said corporation are hereby authorised and empowered to erect a bridge over the Kaskaskia river, commencing at the east end of Fairfax street, thence to the east bank of said river, at Carlyle, which shall be constructed with stone abutments, and one arch or span across said river, so as not to obstruct the passage of boats, and other crafts, and shall keep said bridge in good repair, for the purposes intended.

**Privileges.** SEC. 4. As soon as the said bridge shall be completed, it shall and may be lawful for the said corporation, to erect a gate at the end of said bridge, and to demand and receive the same rates of toll for passing the same, as are now established and received for ferriage at the same place; *Provided* the citizens of Clinton county, and their property, shall cross and re-cross said bridge free from toll.

**Proviso**

**Power to extend, &c.** SEC. 5. The said corporation shall have power, and are hereby authorised to extend, by causeway or turnpike, their said bridge to the bluff or high ground east of said Kaskaskia river, for which they shall receive such additional tolls, as shall be allowed them by the county commissioners' court of Clinton county.

**Corporation, to what entitled.** SEC. 6. The said corporation shall be entitled to purchase and hold, and convey so much real estate as will be necessary to construct the aforesaid bridge and causeway, or turnpike

upon, with toll houses and toll gates, necessary for the management of the concerns of said bridge company.

SEC. 7. The said corporation shall, on or before the first day of September next, commence the construction of said bridge, across the said Kaskaskia river, and have so much of the same as is contemplated in the third section of this act, completed on or before the first day of December, one thousand eight hundred and thirty-nine, otherwise this act shall be null and void, and the powers hereby granted shall vest in such persons as shall become subscribers to the stock of the Carlyle Bridge Company; and John Clark, John M. Webster, Jonathan Sharp and Joseph Huey, are hereby constituted and appointed commissioners to receive subscriptions to said stock; *Provided*, that in case of a failure on the part of the company, as constituted by the first section of this act, to comply with the requisitions of the several sections hereof, then, and in that case, the capital stock shall be divided into shares of fifty dollars each, and as soon as the said stock is subscribed, the commissioners, or a majority of them, shall call a meeting of the subscribers at Carlyle, for the purpose of choosing five directors, each share holder being entitled to one vote; and said directors, or a majority of them, shall, and are hereby authorised to carry into effect the objects of this grant, and to retain and exercise all the powers and privileges conferred upon the corporation, in the previous sections of this act; *Provided, however*, that unless said bridge, hereby authorised to be erected, shall be constructed within five years from the first day of July next, the said franchises and privileges shall cease and determine, and be entirely null and void.

SEC. 8. Should said toll bridge and turnpike be erected, as contemplated by this act, the privileges hereby granted, shall cease and determine on the first day of March, in the year one thousand eight hundred and sixty; *Provided* the company hereby incorporated, shall not at any time, by themselves or their agents, obstruct, or cause to be obstructed, any ford or fords, at or near the place where the said bridge is hereby authorised to be constructed across the said Kaskaskia river; and if the said company shall at any time, so obstruct the said ford, they shall, for every twenty-four hours such obstructions shall remain, forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, in the county wherein such bridge shall be, one-half to the person suing, and the other half to the county treasurer.

APPROVED, Jan. 16, 1836.

In force Jan. 18, 1835. *AN ACT to incorporate the Shawneetown and Alton Rail Road Company.*

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Jesse C. Lockwood, Abraham Irvine, Gilbert Griswold, Lewis Lane, and John Marshall of the county of Hamilton, Joel Pace, Robert A. D. Willbanks, and Samuel Cummings of Jefferson county; Willis Hargrave of Gallatin county; Isaac Ferguson, Isaac Prickett, J. T. Hudson, J. C. Bruner, J. S. Carrigan, and all such other persons who may associate with them for that purpose, be, and they are hereby constituted a body politic and corporate, by the name of the "Shawneetown and Alton Rail Road Company;" for the purpose of constructing a rail road from Shawneetown, on the Ohio river, by the way of McLeansboro' in Hamilton county, Mount Vernon in Jefferson county, Carlyle in Clinton county, Edwardsville in Madison county, to Alton on the Mississippi river, to transport, take and carry property and persons, upon the same, by the power and force of steam, of animals, or of mechanical or other power, or of any combination of them, which the said corporation may choose to employ; and by that name, they and their successors shall be, and they are hereby vested, with the right and privilege of constructing and using the said road, for the purposes aforesaid, from and to the points comprised within the limits before mentioned, and may have succession, and shall be persons in law capable of contracting and being contracted with, suing and being sued, pleaded and being impleaded, in all courts of law and equity, and in all manner of actions;—and that they and their successors may have a common seal, and may alter and change the same at pleasure.

**SEC. 2.** That if the corporation hereby created, shall not within ten years from the passage of this act, construct, and finish, and put in operation, the said road or any part thereof, as shall be deemed expedient by said corporation, then the said corporation shall thenceforth and forever cease, and this act be null and void.

**SEC. 3.** The capital stock of said company shall be one million of dollars, with liberty to increase the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such increase shall be found necessary to fulfil the intent of this act, which said capital stock shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as said corporation shall by law direct.

**SEC. 4.** That Jesse C. Lockwood, Abraham Irvine, Gilbert Griswold, Lewis Lane, John Marshall, Joel Pace, Robert



A. D. Wilbanks, Samuel Cummings, Willis Hargrave, John S. Carrigan, Joseph Duncan, Isaac Ferguson, Isaac Prickett, J. T. Hudson and J. C. Bruner, shall be commissioners, the duty of whom, or a majority of them, shall be, at some suitable place in the cities of New York, Philadelphia, Baltimore and St. Louis, and in the towns of Alton, Shawneetown, and Equality, in Illinois, to open books, to receive subscriptions, to the capital stock of said corporation: and to do such other things as in their opinion are necessary and best calculated to get said stock taken up. Sixty days public notice shall be given by said commissioners of the time and place of the opening of said books, in one of the public newspapers in Shawneetown and Alton. The commissioners shall receive no subscriptions, unless at least, one dollar on each share subscribed, be paid at the time of subscription, and as soon as the same shall be subscribed, to give a like notice, for a meeting of the stockholders, to choose five directors: and such election shall be made at the time, and place appointed by such of the stockholders, as shall attend for that purpose; either in person, or by lawful proxy; each share of the capital stock, entitling each stockholder to one vote, and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands the names of those duly elected, and deliver over the subscription books, to the said directors; and the time and place of holding the first meeting of the directors, shall be fixed on by said commissioners, and the directors to be chosen at such meeting, or at such annual elections, shall, as soon as may be after every election, choose out of their own number, one President, and one other person to be vice president, and in case of the death, resignation or removal of the President or Vice president, or of any director, such vacancy or vacancies may be filled for the remainder of the year, whenever they may happen, by the board of directors:—and in case of the absence of the president or vice president, the board of directors shall have power to appoint a president pro tempore, who shall have, and exercise such powers and functions, as the bye-laws of the said corporation may provide.

Notice of meeting of stockholders

Election

SEC. 5. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such time, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and times, where and when, the same are to be paid, at least ninety days previous to the payment of the same, in some public newspapers in this state, and in the several cities where the books of the

In what manner payment of sums subscribed to be made



company may have been opened for subscriptions to the capital stock.

**Election of directors.** SEC. 6. That in case it should at any time happen, that an election of directors shall not be made, on any day on which in pursuance of this act it ought to be made; the said corporation shall not for that cause be deemed to be dissolved, but such elections may be held at any other time directed by the bye-laws of said corporation.

**Bye-laws** SEC. 7. That five of the directors of said corporation shall form a board, and they or a majority of them, shall be competent to transact all the business of the said corporation, and they shall have full power to make, and prescribe, such bye-laws, rules and regulations, as to them shall appear needful and proper; touching the management and disposition of the stock, property, estate and effects of said corporation, the transfer of shares, and touching the duties and conduct of their officers and servants; and the election of directors, and all other matters whatsoever, which may appertain to the concerns of said corporation, and also shall have power to appoint a secretary, and so many clerks, and servants, as to them shall seem meet, and to establish such salaries and allowances to them, and also to the president and vice president, as to said board, shall appear proper.

**Powers granted** SEC. 8. That the said corporation be, and they are hereby authorised by their agents, surveyors and engineers, to cause such examinations and surveys to be made, of the ground lying in the aforesaid limits prescribed in the first section of this act; as shall be necessary to determine the most advantageous route for the proper line, or course, whereon to construct said road, and it shall be lawful for the said corporation, to enter upon, and take possession of, and use, all such lands and real estate, as may be indispensable for the construction and maintenance of said road, and the accommodations requisite, and appertaining to them, and may also hold and take, all such voluntary grants, and donations of land, and real estate, as shall be made to said corporation, to aid in the construction, maintenance, and accommodation of their said road; *Provided*, that all lands, or real estate, thus entered and taken possession of, and used by said corporation, which are not donations, shall be purchased by said corporation, of the owner or owners of the same, at a price mutually to be agreed upon between them, and in case of disagreement as to price, it shall be the duty of the governor of this state, upon notice given to him by said corporation, to appoint three commissioners, who shall be persons not interested in the matter, to be determined by them; to determine the damages, which the owner or owners of the said land, or real estate, so entered upon by said cor-

**Proviso.**

poration, have sustained by the occupation of the same, and upon payment of such damages, together with the costs and charges attending the appraisement, by the said corporation, the said commissioners being allowed two dollars per day whilst thus employed, or upon the corporation depositing in the Treasury of the State, the amount of such damages, together with the costs and charges aforesaid, to the credit of the person or persons, the commissioners may have awarded the same; the proper officer of such treasury, giving notice to such person or persons by letter, of such deposit being made by the said corporation; then the said corporation, shall be deemed to be seized, and possessed, of the fee simple, of all such lands or real estate, as shall have been appraised by the said commissioners; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the lands, or real estate appraised; to be recorded by the said corporation, in the clerk's office of the county commissioners' court, in which the land or real estate may be; that in case any owner or owners of land, or real estate, so appraised, shall be feme covert, under age, non compos mentis, or out of this State; then in such case the said corporation shall pay the said last mentioned owner or owners, respectively, whenever the same shall be lawfully demanded, together with interest at the rate of six per cent. per annum.

SEC. 9. That the said corporation be, and they are hereby authorised to construct, and use a road of suitable width and dimensions; to be determined by said corporation, within the limits prescribed by the first section of this act; and shall have power to regulate the time, and manner in which goods, and passengers, shall be taken, transported and carried on the same as well as the manner, in which they shall collect all dues, on account of transportations; *Provided*, the same shall not amount to more than twelve per cent. upon the capital stock paid in; and shall have power to erect houses and other buildings, for the accommodation of their concerns; as they may deem suitable to their interests, and to collect tolls, as soon as any part thereof is finished.

SEC. 10. That whenever it shall be necessary for their rail road to cross or intersect any water course, or other highways, lying between the points aforesaid; it shall be lawful for the said corporation, to construct their rail road across, or upon the same; *Provided*, the corporation shall restore the highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness.

SEC. 11. It shall be lawful for any rail road company, which may hereafter be incorporated, to join with the rail

road company hereby created, at any point they may think advisable; on such terms as the companies respectively may agree upon, in case that a disagreement between the directors, then upon such terms as the Circuit Court of the county in which such difficulty may take place, shall upon a full view of the premises and facts connected with the case determine to be equitable and just, between the said companies.

Persons wilfully & maliciously damageing said road.

SEC. 12. That if any person or persons, shall wilfully do, or cause to be done, any act or acts, whereby any building, construction or work of said corporation, or any engine, machine or construction, or any matter or thing appertaining to the same; shall be stopped, obstructed, injured or destroyed, the person or persons so offending, shall forfeit and pay the said corporation, double the amount of damages sustained by means of such offence, to be recovered in the name of said corporation, with costs of suit by action of debt; to be brought in any court of record in this State, or before any Justice of the Peace, in the counties where such injury may have accrued; and the person or persons, so offending, shall be deemed guilty of a misdemeanor and liable to fine and imprisonment.

Their Powers

SEC. 13. That the said corporation, shall have the liberty of taking and receiving in payment of the stock subscribed to said corporation, a conveyance in fee simple, of any land or town lots, and the same together with any such donations as above provided, to sell and convey in such manner, and on such terms, as may be thought necessary, and most advantageous to the said corporation.

Directors, how chosen.

SEC. 14. When one tenth part, or more of the stock of said company shall be subscribed, the said commissioners shall make an election, at such time and place, as they may direct, for the election of directors, as herein provided; and the said directors, shall receive from the said commissioners, all the books, papers and money which they may have received, and thereafter the directors shall receive subscriptions to the said capital stock, until the whole amount shall be subscribed.

Variation of said road.

SEC. 15. The said corporation may, if in the opinion of the president and directors, the same may be deemed to the advantage of said company, cause the route of the said rail road to vary from the points between Shawneetown and Alton; and run the said road by the way of Equality, or on the most advisable route between Shawneetown and Alton.

A public act.

SEC. 16. This act shall be deemed a public act, and shall be favorably construed for the purposes therein expressed and declared, in all courts and places whatever.

APPROVED, Jan. 18, 1836.



*AN ACT to incorporate the Alton and Shawneetown Rail Road Company.* In force, Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the state of Illinois,* Company incorporated.  
*That Alexander Kirkpatrick, Timothy Guard, Ephraim H. Gatewood, Thomas Morris, Moses M. Rawlings, Benjamin Godfrey, Stephen Griggs, Enoch Long and Benjamin F. Edwards, their associates, successors, and assigns, are hereby created a body corporate and politic, under the name and style of the "Alton and Shawneetown Rail Road Company," and by that name may be, and hereby are made capable in law and equity, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any court or courts of record, or in any other place whatever; to make, have, and use, a common seal, and the same to break, renew, and alter at pleasure; and shall be, and are hereby vested with all the powers, privileges and immunities, which are, or may be necessary, to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorised and empowered to locate, construct, and finally complete, a rail road, commencing at or near the town of Alton, on the Mississippi river; thence to the town of Edwardsville, in the county of Madison; thence to Lebanon, in St. Clair county; thence to Nashville, in Washington county; thence again, by a straight line, to Frankfort, in Franklin county; thence through Equality, to Shawneetown, on the Ohio river, in Gallatin county,—in such manner and form, as the said company shall deem most expedient; and for this purpose, said company are authorised to lay out their said road at least six rods wide, through the whole length; and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction and security of said rail road; Provided, that all damages that may be occasioned to any person or corporation, by the taking of such land or materials, for the purposes aforesaid, shall be paid for by said company, in the manner hereinafter provided.*

Sue and be sued.

Have a common seal.

Incorporation, powers of.

Six rods wide.

Proviso.

SEC. 2. The capital stock of said company shall consist of five thousand shares, with the privilege of increasing the same to fifteen thousand shares in the whole, of one hundred dollars each; and the immediate government and direction of the affairs of said company, shall be vested in nine directors, who shall be chosen by the members of the company, in the manner hereinafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for

Capital stock

Directors



Appoint a clerk and treasurer.

the transaction of business, shall elect one of their number to be president of the board, who shall also be president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty—and a treasurer, who shall give bond to the company, with sureties to the satisfaction of the directors.

Powers defined and delegated to President & Directors.

SEC. 3. The president and directors, for the time being, are hereby authorised and empowered, by themselves or their agents, to exercise all the powers and authority herein granted, for the purpose of locating, constructing and completing said rail road—and all such other powers and authority, for the management of the affairs of said company, not heretofore granted, as may be necessary to carry into effect the object of this grant; to purchase and hold lands, materials, and other necessary things, in the name of the company, for the use of the road; to make such equal assessments from time to time, on all the shares in said company, as they may deem expedient and necessary, in the progress and execution of the work, and direct the same to be paid to the treasurer of the company, and the treasurer shall give notice of all such assessments. The board of directors shall have power to adopt rules and bye-laws, regulating the manner and time of payment of all assessments they may order, under such penalties as they may deem proper.

Bye-laws.

Liabilities.

SEC. 4. Said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking their lands, stone or gravel, for the use of said rail road, when the same cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Persons non compos mentis, infants, &c.

SEC. 5. When the lands, or other property or estate of any married woman, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such married woman, and the guardian of such infant, or person non compos mentis, may release all damages in relation to the land or estate to be taken and appropriated as aforesaid, as fully as they might do, if the same were holden in their right, respectively.

Obstructing s'd road

SEC. 6. If any person shall wilfully, maliciously, or wantonly and contrary to law, obstruct the passage of any car on said rail road, or any part thereof, or any thing belonging thereto, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proved before any court competent to try the same, to be sued for in the name, and in behalf of said company; and such offender or offenders

shall be deemed guilty of a misdemeanor, and liable to indictment, in the same manner as other indictments are found, in any county or counties where such offence shall have been committed; and upon conviction, such offenders shall be liable to a fine not exceeding five thousand dollars, for the use of such county where the indictment may be found, or may be imprisoned not exceeding one year, at the discretion of the court before whom the conviction may be had. Indictment.  
Penalty.

SEC. 7. Said company shall so construct their said rail road across rivers, canals, turnpikes, and other public ways, so as not to hinder, obstruct, or interfere with the navigation, passage and free use of such public ways; and if said rail road shall not be so constructed, it shall be lawful for the persons agrieved to abate the same, in the same manner as is now provided by law for the removal of obstructions to public ways. Rivers and  
highways.

SEC. 8. The time of holding the annual meetings of said company for the election of directors, shall be fixed and determined by the bye-laws of said company; and at all meetings each stockholder shall be entitled to vote in person, or by proxy, duly authorised, one vote for each share he or she may own. Directors how  
chosen

SEC. 9. That Benjamin Godfrey, Benjamin F. Edwards, Ephraim H. Gatewood, Alexander Kirkpatrick, John N. Webster, Richard B. Servant, John D. Wood, Lewis T. Culley, Harvey T. Pace and Benjamin Bond, are hereby appointed commissioners to open subscription books for the stock of said company. Said commissioners, or a majority of them, are hereby authorised to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days' notice of the time and place where such books shall be opened, and shall keep the same open for five days, unless the whole number of shares of said company shall be sooner subscribed; and they shall require each subscriber to pay one dollar on each share subscribed, at the time of subscribing; and at the termination of said term of five days, or sooner, if the whole amount of said shares shall be taken, said commissioners shall call a meeting of the stockholders, by giving ten days' notice in some public newspaper printed in this state, of the time and place of such meeting. At such meeting it shall be lawful to elect the directors of said company; and when the directors of said company shall have been chosen, the said commissioners shall deliver said subscription books, together with all sums of money received by them, to said directors; Commissioners  
to open sub-  
scription books.  
*Provided*, that no election shall be held until the whole number of shares of said company shall have been subscribed; Commissioners  
to call a meet-  
ing to elect di-  
rectors.  
Proviso

Proviso. and, *Provided also*, that each director shall, at the time of his election, hold at least ten shares of the capital stock of said company.

Rules, Regulations, &c. SEC. 10. Said board of directors shall have power to make, ordain, and establish such bye-laws, rules and regulations, and ordinances, as they may deem expedient and necessary to accomplish the purposes, and carry into effect the provisions of this act, and for the well ordering, regulating and securing the interests and affairs of said company; *Provided* the same be not repugnant to the constitution and laws of this state, or of the United States.

Commencement. SEC. 11. The said company shall, on or before the first day of July, 1840, commence the construction of said rail road, and have the same completed, on or before the first day of July, 1850; and should the said company fail to have the said road commenced and completed, as herein provided, in either case this act shall be null and void.

APPROVED, Jan. 18, 1836.

In force Jan. 16. 1836. *AN ACT to incorporate the Mount Carmel and Alton Rail Road Company.*

Company incorporated SEC. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That Calvin Riley, Caleb Stone, S. H. Anderson, David Smith and Daniel Meeker, of the county of Madison; Harry Wilton, Sidney Breese and Zophar Case, of the county of Clinton; Rufus Ricker and William W. Pace, of the county of Marion; Samuel Leech and Rigdon B. Slocumb, of the county of Wayne; Joel Churchill, George Flower and Archibald Spring, of the county of Edwards; Joshua Beal, Thomas S. Hinde, Hiram Bell, Doctor Ezra Baker, jr. and Scoby Steward, of the county of Wabash; and William Daniels and James Lewis, of the state of Indiana, and all such persons as shall become stockholders, agreeably to the provisions of this act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, by the name of "The Mount Carmel and Alton Rail Road Company;" and by that name, they, and their successors and assigns, shall and may continue for the term of sixty years, from and after the passage of this act, and shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter



and renew at pleasure: and also to adopt, establish, and carry into execution, such laws, ordinances and regulations, as shall, by its president and directors, be judged necessary or convenient for the government and management of the said company, its officers, agents, superintendents and property—and the same to change, alter, repeal, annul, and re-enact; *Provided*, that such laws, ordinances and regulations, be not contrary to this act of incorporation, the laws and constitution of the United States, or of the state of Illinois.

SEC. 2. The corporation shall have the right and power to construct, and during its existence, to maintain and continue, a rail road, with one or more sets of tracks, and with such suitable turns-out, sidclings, and other appendages, as may be deemed necessary for the convenient use of the same—commencing at the Great Wabash river, in the town of Mount Carmel, in Wabash county, and running thence on the most eligible and practicable route, as a majority of the directors of the company shall determine, passing through Albion, in Edwards county, Fairfield, in Wayne county, Salem, in Marion county, Carlyle, in Clinton county, and Edwardsville, in Madison county, to Alton, on the Mississippi river, or as near to said intermediate points as practicable.

Powers created and ceded to said corporation.

SEC. 3. The capital stock of the said corporation, hereby created, shall be one million of dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, and be transferrable, in such manner as the said corporation shall direct, by its bye-laws.

Capital Stock.

SEC. 4. That the persons named in the first section of this act, shall be, and they are hereby appointed commissioners, whose duty it shall be, within three years from the passage of this act, to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, shall think proper—giving notice thereof, at least thirty days prior to the opening of said books, by publishing the same, in at least three of the newspapers printed in this state—in at least one newspaper printed in each of the states of Indiana and Missouri, and in one or more of the newspapers printed in the cities of Philadelphia and New York; and that the said books shall be kept open as long as the said commissioners, or a majority of them, shall think proper, or until two-thirds of the capital stock, hereby created, shall have been subscribed for; and if more subscriptions shall be taken than the amount of two-thirds of the said capital stock, it shall be in the power of the said commissioners, or a majority of them, to apportion the stock to the subscribers, pro rata.

Commissioners appointed to receive subscriptions.



State may subscribe for one-third of stock.

SEC. 5. That the legislature of this state shall have the right of subscribing for one-third of the capital stock of the company created by this act, and shall have the appointment of three of the directors, after said subscription shall have been made—which directors shall be appointed or elected in such manner as the legislature shall direct by law; *Provided*, that if the legislature shall omit or refuse to authorise and make such subscription, for the space of two years after the said company shall have commenced the construction of the said rail road, then the right to subscribe shall cease, and the said company may proceed to dispose of the remaining one-third part of the capital stock, and cause the same to be subscribed for and paid in, in such manner as the directors shall, by the bye-laws of the company, direct.

Amount to be paid at time of subscribing.

SEC. 6. There shall be paid to the commissioners, at the time of subscribing, the sum of five dollars on each and every share subscribed, to be paid over to the directors of the company when elected; and whenever two-thirds of the said capital stock shall have been subscribed, and distribution made thereof, as aforesaid, or as soon as one thousand shares of the said stock shall be taken, it shall be the duty of the said commissioners, or any five of them, to give public notice, in the manner directed by the fourth section of this act, for the opening of the books of subscription, that a meeting of the stockholders will be held at Carlyle, in the county of Clinton, for the election of nine directors; and such election shall then and there be made by such of the stockholders as shall attend, either in person or by proxy. Each share of the capital stock shall entitle the owner or holder to one vote, either personally or by proxy. Any three or more of the said commissioners shall be inspectors of the first election of directors of said company, and shall certify under their hands, the names of those duly elected, by a plurality of votes given, and deliver over the subscription money, books and papers, to said directors: and the time of holding the first meeting of the directors, shall be fixed by the said commissioners.

Term of service of directors.

SEC. 7. The first directors to be elected shall hold their offices until the first Monday in May ensuing their election, and until others shall be elected; and every election of directors thereafter, shall be held annually, at such place as shall be fixed by the bye-laws, on the first Monday in May, in each and every year—notice of the same being first given, in such manner as the bye-laws shall direct. Every election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the board of directors. All elections shall be by

ballot, and a plurality of votes given, either personally or by proxy, shall constitute a choice. No stockholder shall be eligible to the office of director, unless he shall own to the amount of at least one hundred dollars of stock in the said corporation. In case an equal number of votes should be given for any two or more directors, the remainder of the directors shall, by ballot, determine which of said persons, so having an equal number of votes, shall be entitled to a seat at the board.

SEC. 8. In case it should so happen, that an election for directors shall not be made, on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved; but such election may be held at any other time, directed by the bye-laws of the corporation, within ninety days after the day on which it should have been held, and the directors shall continue to act until a new board shall be elected.

SEC. 9. The said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, a secretary, and all other officers, engineers, superintendents and servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective duties, as they may think expedient. The said directors, so soon as convenient after their election, shall elect one of their number to be the president of the board of directors, whose duties shall be defined by the bye-laws of the corporation.

Duty of directors.

SEC. 10. The said corporation is hereby empowered to purchase, receive and hold, such lands and real estate, as may be necessary and convenient for the accomplishing the objects for which this act of incorporation is granted; and may, by their agents, surveyors, engineers, and other persons in their employ, enter upon, and take possession of, and use all such lands and real estate, and materials, as may be indispensable for the construction and maintenance of their rail road and appendages, and the accommodations and appurtenances required and appertaining thereto. And it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands and water, to whomsoever they may belong, for the purpose of exploring, surveying, leveling or laying out any proposed route or routes for the said rail road, and to erect all necessary embankments, works and appendages of the said survey, and

May purchase and hold real estate.

make such marks and monuments to indicate and perpetuate the lines and description of the said route or routes, doing no unnecessary injury to private or other property, and being liable for damages to the owner of any such lands or property for any injury that may be done thereto; and may also acquire and hold and possess, by purchase, devise, or voluntary grant from the general or state government, or from any corporation, company, individual or individuals, any lands and real estate within this state, to aid in the construction, maintenance and accommodation of said rail road, completely vesting in the said corporation, absolutely in fee simple, the same with power and authority in law to pledge, mortgage, bargain and sell, and convey the same, to aid in carrying into full effect the intents and objects of this act of incorporation; *Provided*, that the lands to be held by this corporation, during the time of the existence of this charter, shall be confined to such lands only as are indispensably necessary for the construction and maintenance and accommodation of the said rail road and appendages, not exceeding three hundred feet on each side of the centre line of the said rail road, and such other flats of lands as shall be necessary for the erection of ware houses, engine houses, workshops, stables and other buildings, on the route and at the termination of the said rail road; and all other lands and real estate whatsoever, in any manner howsoever acquired, shall be sold and disposed of by the said corporation, within fifteen years from and after the passage of this act; and no other lands and real estate shall be afterwards acquired by the said corporation; but all lands and real estate entered upon for materials or for the road way, which are not donated or owned by the company, shall be purchased by the corporation of the owner or owners thereof, at a price to be agreed on mutually, by the company and the owner or owners. In case of a disagreement as to price, and before taking any materials, or making any part of the said rail road on said land in controversy, it shall be lawful for the commissioner, engineer, superintendent, or other authorised person or persons of the said company, to apply to some justice of the peace, in and for the county in which the lands may be situated, who shall cause five freeholders, not interested in the lands or materials in controversy, or in any way likely to come into controversy, to be summoned; who, being sworn faithfully and impartially to examine the materials or grounds, to be pointed out to them by the commissioner, engineer, superintendent, or other authorised person or persons, and reasonable notice having been given to the owner or owners of the property, if known, and residing in the state, said freeholders shall assess the damages which



they shall believe such owner or owners will sustain, over and above the additional value which such lands, or other lands of the same owners in the vicinity, will derive from the construction of the said rail road, and make a report, signed by at least a majority of them—one of which they shall deliver to the commissioner, engineer, superintendent, or other person or persons, requiring said view and assessments, and the other to the justice of the peace; and the amount of damages, if any, and the costs being paid to the owner or owners, or deposited with the clerk of the circuit court of the said county, for said owner or owners, the road may be forthwith located, constructed, and materials taken, without any let or hindrance by the said owner or owners, their heirs or assigns; and the circuit court of the proper county, acting and sitting as a court of chancery, in case no appeal is taken as hereinafter provided for, may order and direct a conveyance of the land, so indispensable and necessary to the construction and accommodation of the said rail road, to be made to the said corporation. If either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken in thirty days, to the circuit court of the county in which the lands are situated, by petition, setting forth the facts of the case—describing the lands and the premises, and the necessity of such lands for making and maintaining said rail road and appendages, and the attempt and failure to purchase the same, with the name and residence of the owner or owners of the same, if known, and the reasons why the purchase cannot be made; and the circuit court aforesaid, acting and sitting as a court of chancery, shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time of hearing the parties; *Provided*, that in case the appellee shall have seven days' notice of the taking of the appeal, no farther notice shall be necessary, but said court shall proceed to hear and determine said case as speedily as practicable; and upon proof of the service of notice of the appeal, and upon hearing the testimony of the parties, (which may be taken orally or by deposition,) it shall make such order and decree in the premises, as to it may seem proper and equitable; and may either increase or diminish the amount of damages assessed, or reject said petition altogether; and shall also make such order for the payment of costs, as shall be just and proper. It shall also order a conveyance of the land in controversy to be made to the corporation, when the decree of the court shall be complied with on the part of the corporation. Whenever said order and decree shall be fully complied with on the part and behalf of the said corporation, it shall be possessed of the land



in controversy, and may enter upon and take possession of, and use the same for the purposes of the said road. Where a difficulty shall arise as to the value of materials, which may be needed to construct said work, or the amount of damages done by the agent of the company, passing through said land, in collecting materials aforesaid, there shall be no appeal to the circuit court: but in case the parties or either of them, shall be dissatisfied, and it shall appear to the justice that it is right and necessary to justice, he may set aside the first valuation, (*Provided* the same shall be done in three days after the return of the report of the freeholders,) and appoint five other commissioners, being freeholders, to appraise and value the materials or damages last aforesaid, whose award in the premises shall be final, and who shall apportion the costs as may appear just, on one or both of the parties.

SEC. 11. In case any married women, infant, idiot, or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate, the circuit court, or justice of the peace, shall appoint some competent and suitable person to appear before said freeholders, or commissioners, or said circuit court, and act for and in behalf of such married woman, infant, insane person, idiot, or non-resident of the state.

To be surveyed

SEC. 12. The said president and directors shall cause such examinations and surveys for the said rail road to be made, as may be necessary to the selection by them, of the most advantageous line, location, course or way, for the said rail road, on the route set forth in the second section of this act; and shall, after such examinations and surveys shall be made, select, and by certificates under their hands and seals, or under the hands and seals of a majority of them, designate the line, location, course or way, which they, or a majority of them, shall deem most suitable and advantageous for said rail road—a copy of which certificates shall be filed in the office of the secretary of state of this state, to be by him recorded and preserved, at the cost and charges of the corporation—which line, location, course or way, so selected, certified, filed and recorded, shall be deemed the line, location, course or way, on which the corporation shall construct, erect, build or make the rail road contemplated by this act.

Commence-  
ment.

SEC. 13. When the route, line, location, course or way, of the said rail road, or of any division, section, or portion thereof, shall be determined upon, as provided for in the preceding section, it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and workmen, to enter upon the said line, or location of the road, and to erect embankments, bridges, viaducts, cul-

verts and all other works necessary to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road. And so soon as the said road, or any division, section, or portion thereof, shall be completed and ready for use, the said corporation are hereby authorised and empowered to procure and place cars and carriages thereon, for the purpose of transporting persons, and every description of property thereon; and may use any description of power or powers for traction on the said road, that they may deem most useful, safe and expedient. The president and directors shall, by rules and regulations, to be adopted and published from time to time, regulate the time of departure and arrival of cars and carriages, the rate of speed or travel on the said road, the description of cars or carriages to be employed, the weight of load for each, and all and every matter and thing necessary for the safety and accommodation of persons and property, to be by them transported on the said rail road: and the said corporation shall be liable for the acts and doings of their officers, agents, and other persons in their employ, and engaged in the transportation of persons and property on the said road, in like manner as all common carriers are liable in law.

SEC. 14. The said corporation is hereby authorised to transport persons and property on the said rail road, and shall have power to erect and maintain toll houses, warehouses, engine and carriage houses, work-shops, and other necessary buildings, for the accommodation of their concerns; and from time to time to fix, regulate, demand and receive, the tolls and charges to be by them received, for the transportation of persons and property, and for the storage of merchandise and other property, placed under their charge: *Provided*, that the nett tolls and charges after deducting the amount of all costs and expenses, in maintaining the said rail road and appendages, and a reasonable allowance for the wear and tear of the same, and of the carriages and cars used thereon; the wear and tear of buildings and bridges, and their insurance against accidents by fire; and also all incidental charges of transportation and officers, and servants of the company, shall not exceed twelve per cent. per annum, on the capital invested by the said corporation, for any ten years taken together.

SEC. 15. Five directors of the said corporation shall form a board; and they, or a majority of them, shall be competent to transact all the business of the corporation. And it shall be lawful for said directors to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they shall

Houses and  
toll gates, &c.

Quorum.

deem fit and right, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time where and when the same are to be paid, at least twenty days previous to the day of payment, in some newspaper printed in this state, nearest to the route of the said road; and they are authorised and required to receive new subscriptions to any of the capital stock not previously taken and subscribed for, under such regulations as they shall prescribe by the bye-laws, and to give notice thereof, at least thirty days previous to opening the books to receive such subscriptions.

Rivers & highways.

SEC. 16. Whenever it shall be necessary for the construction of the rail road, to intersect or cross any stream of water, or water courses, or any road or highway, between the places mentioned in the second section of this act, for the commencement and termination of said road, it shall be lawful for the corporation to construct said rail road across the same; but the corporation shall restore the said stream, or water course, or road, or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness.

SEC. 17. The said corporation may, at their option, construct their bridges, viaducts, and causeways, of sufficient width to admit of the passage of the common road travel; and may demand, take and receive, such reasonable toll for the passage of persons, wagons, vehicles, and stock, over the said causeways, bridges or viaducts, as may be fixed by the said corporation, and printed and posted up at some conspicuous place, on or near the said structures or causeways.

May unite with other companies.

SEC. 18. It shall be lawful for any rail road company which now is, or may be hereafter incorporated by the legislature of this state, or for the state of Illinois, to join and unite with the rail road to be constructed under the provisions of this act, a rail road at any point or points which may be thought advisable, and upon such terms as the directors of this company, and of the other, or the state of Illinois, may respectively and mutually agree upon; and in case of a disagreement concerning the terms as aforesaid, then upon such terms as the circuit court of the county in which such connection of the two roads is proposed, shall, upon a full hearing of the facts and circumstances of the case, determine to be equitable and just between the parties.

SEC. 19. If any rail road company, which now is, or may hereafter be incorporated, or if the state of Illinois shall construct a rail road on the route from Shawneetown to Alton, *via* Mount Vernon, in Jefferson county, or *via* Carlyle, or its vicinity, in Clinton county, before the company, here-



by created, shall have constructed the part of the road authorised by this act, on that portion of the route thereof, then it shall be lawful for the directors of this corporation to enter into an agreement with the said company, or with the state of Illinois, which shall have so pre-occupied the route of the rail road hereby authorised to be constructed thereon, to connect the eastern section of their rail road with the said rail road previously constructed, at some convenient point for such connection; and the corporation hereby created, shall be exonerated from any and all liability to construct so much of the rail road contemplated by this act, as lies between said point of connection and the borough of Alton, on the Mississippi river.

SEC. 20. The whole of the stock of the corporation shall be deemed personal property, and together with all tools, implements, machinery, and apparatus of every description, used and employed, or on hand and belonging to the said company, shall be liable to be seized, executed and sold, after judgment or decree, to make good any contract, agreement or stipulation, made by any agent, superintendent, or other authorised person or persons of said company; and it shall be a sufficient service of process or notice, in all cases, to leave a copy of the same with the president of the board of directors, or the secretary of the company, or any director thereof, in case of the absence of the president or secretary, from this state. Stock deemed personal property.

SEC. 21. It shall and may be lawful for the president and directors of this corporation, to borrow money, from time to time, for the sole purpose of constructing the rail road hereby authorised to be made, and to pledge the property of the corporation, real, personal and mixed, for the repayment thereof, with the interest thereon accruing; *Provided*, that if the state shall become a joint stockholder in said corporation, only two-thirds of the property belonging to said corporation, shall be so pledged; and the share or interest which the state shall acquire in the said property, or corporation, shall in no event be pledged or mortgaged, without the consent of the legislature, first had and obtained. Authorized to borrow money.

SEC. 22. At the expiration of thirty years from the completion of said road, the legislature of the state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be chosen by the legislature, and three by the said corporation, who, or a majority of them, shall report the value thereof to the governor, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh person, who, with the six, or a majority of the whole, shall report as aforesaid: or in case the said company shall Powers resting with the State



refuse or neglect to appoint three persons, within two months after the said appointment by the legislature, then the three persons so appointed by the legislature, shall proceed to make such appraisement, which shall be binding on the corporation; and thereupon the state shall have the privilege for two years, of taking said road and its appendages, and property, upon the payment to the company of the amount of the said reported value thereof, within one year after electing to take said road—which report shall be filed in the office of the secretary of state of this state; and upon such payment, the whole property and interest of said road and appendages thereof, shall be vested in the state of Illinois.

When to be  
commenced and  
completed.

SEC. 23. If this road shall not be commenced within five years, from the passage of this act, and completed within ten years thereafter, this act shall be void: *Provided*, that if the company shall be deprived of the right of constructing the westerly division thereof, in consequence of the pre-occupancy of the route by some other company, or by the state, as contemplated in the nineteenth section of this act, a construction of the eastern division thereof, from Mount Carmel to the intersection of the said prior-constructed road, shall be deemed a completion of this road as contemplated by this section.

A public act.

SEC. 24. This act shall be deemed and taken as a public act, and as such shall be taken notice of, by all courts of justice in this state, without the necessity of pleading the same, and shall be in force from and after its passage.

APPROVED, Jan. 16, 1836.

In force Jan.  
18, 1836.

*AN ACT to incorporate the Wabash and Mississippi Union Rail Road Company.*

Company in-  
corporated

SEC. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all such persons as shall hereafter become stockholders in the incorporation hereby created, shall constitute a body corporate and politic, by the name of "The Wabash and Mississippi Union Rail Road Company;" with power to construct a single, double, or treble rail road or way; from such points at the eastern boundary line of this state, as will admit of connecting it with the western termination of any similar rail road, or way, from the town of Lafayette, or from any other point in the state of Indiana, at the eastern boundary line of this state, and thence to the town of Danville, in the county of Ver-

million; thence to the town of Shelbyville, in the county of Shelby, in said state of Illinois; and thence to such point on the river Mississippi, as shall be determined by said company, after a survey shall have been made of the route, to be the most eligible, proper, and convenient point therefor, with power to transport, take, and carry, property, and persons upon the same, by the power and force of steam, of animals, or of mechanical or of other power, or any combination of them, for the term of fifty years from the passage of this act.

SEC. 2. The said corporation, by the name and style aforesaid, shall, for the term aforesaid, have continued succession, and shall be capable in law and equity, to sue and be sued, and to plead and be impleaded, in all manner of actions whatsoever; and may have and use a common seal, and alter the same at pleasure.

Powers of the corporation.

SEC. 3. If the said corporation, hereby created, shall not, within five years from the passage of this act, commence the construction of the said rail way, and spend, within two years thereafter, the sum of forty thousand dollars thereon; and shall not, within ten years from the passage of this act, construct, finish, and put in operation, one-fourth part of the said rail way; and shall not, within fifteen years from the passage of this act, construct, finish, and put in operation, one-half of the said rail road or way; and shall not, within twenty years from the passage of this act, complete, and put in operation the whole of the said rail road or way; or in the event of the failure of the company to construct the parts of the said rail road, within either of the times above specified, then the rights and powers of the said corporation, under this act, shall be null and void.

When to commence and complete said road.

SEC. 4. The capital stock of the said corporation shall be four hundred thousand dollars, which shall be divided into shares of two hundred dollars each, which shall be deemed personal property, and shall be transferable in such manner as the said corporation shall, by bye-laws, direct. The capital stock of the said corporation, may at any time hereafter, be increased to a sum not exceeding two millions of dollars, if the same shall be deemed necessary by the directors of the said corporation, to the completion of the said rail road; and the same may be subscribed for and taken, under the direction of such persons as the directors shall, for that purpose, appoint: and whenever they shall direct one or more books to be opened for such purpose, the same shall and may be taken in such manner as the said board of directors shall have, for that purpose, appointed.

Capital stock.

May be increased.

SEC. 5. That for the purpose of carrying into execution so much of the provisions of this act, as relates to the first subscription of stock, John D. Whiteside, of Monroe coun-

Commissioners to open books for subscription for stock.

ty; William W. Rowan and A. W. Snyder, of St. Clair county; Benjamin Bond and John Scott, of Clinton county; Milton K. Alexander, of Edgar county; Jesse B. Thomas, of Sangamon county; John Vance, of Vermillion county, and John D. Wood, of Washington county, be, and are hereby appointed commissioners, whose duty it shall be, within the period of twelve months after the passage of this act, at some suitable place, to open books, to receive subscriptions for the capital stock of said corporation;—and twenty days' public notice shall be given by said commissioners of the time and place of opening such books, in one or more of the public newspapers printed in this state; and a majority of the commissioners shall constitute a board to receive subscriptions—which books shall be closed as soon as said capital stock is subscribed. The commissioners shall receive no subscriptions, unless one dollar on each share, shall be paid at the time of subscribing. So soon as said capital stock is subscribed, and books closed, the commissioners present, shall give notice for a meeting of the stockholders, at such time and place as they shall appoint, to choose five directors: and such commissioners are hereby appointed inspectors of such election; and such election shall be then and there made by such of the stockholders as shall attend for that purpose, in person or by proxy—each share of the capital stock entitling a stockholder to one vote on such share; and said commissioners shall certify under their hands the names of the persons duly elected, and deliver over the subscription books, together with all moneys by them received for subscriptions, to the directors, so chosen.

Payment of  
stock

Directors, elec-  
tion of.

Duties of presi-  
dent and direct-  
ors.

SEC. 6. The said directors shall have power to appoint one or more engineers, to cause such examination and surveys for said rail road, as may be necessary to the selection of the most advantageous line or lines, for the location of said road: and the said directors shall, after such examinations and surveys shall have been made, select, and by certificate under their hands and seals, designate the line, course or way, they may deem most advantageous for said rail road, which certificate shall be filed in the office of the secretary of state of this state—which said line, course, or way, so selected and certified, shall be deemed the line, course, or way, on which the said corporation shall construct, build and make, their single, double or treble rail road, as hereinafter mentioned.

Single track.  
first construct-  
ed.

SEC. 7. The company hereby incorporated, shall first construct, lay down and complete, one line or track of said road, on the route aforesaid, and shall convey either passengers or materials thereon, before they shall lay down the



rails of any part or portion of the second line or track, of said road.

SEC. 8. The directors chosen as aforesaid, shall, as soon as may be, after every election, choose out of their own number, a president, who shall preside until the next annual election thereafter, and until another president shall be chosen: and in case of the death or resignation of the president, or of any director, the vacancy thus occurring may be filled for the remainder of the year in which they may happen, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president, pro tempore, who shall have and exercise such powers and functions as the bye-laws of the said corporation may provide.

Directors to choose a president.

SEC. 9. In case it should at any time happen that an election of directors shall not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time within ninety days thereafter.

Election, when held.

SEC. 10. The said directors shall have power to appoint a secretary and treasurer, and all subordinate officers of said corporation—fix their compensation, define their powers, and prescribe their duties,—who shall give such bonds in such penal sums, with such conditions, and with such securities as the directors shall prescribe, and shall hold their offices during the pleasure of a majority of such directors. Said directors may also make, ordain, establish, and put in execution, such bye-laws, ordinances, and regulations, as may be necessary for the efficient and prudent management of the affairs and objects of the said corporation. No bye-laws, ordinances or regulations of the same, shall be in any wise contrary to the constitution and existing laws of this state, or of the United States.

Powers of appointing.

SEC. 11. The first directors to be chosen shall hold their offices until the first Monday of November, eighteen hundred and thirty-seven, and until others shall be chosen; and ever thereafter, on the first Monday of November, in each and every year, at such time and place as the said directors shall appoint—giving twenty days' previous notice, in the manner prescribed for giving notice by the commissioners for the opening of the books. Every election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed. All elections shall be by ballot, and a plurality of the votes given, shall constitute a choice. In case of an equal number of votes for any two or more directors, the remainder of the directors shall determine who shall be entitled to a seat at the board.

Term of service of directors.



Borrow money.

SEC. 12. Said corporation are authorised and empowered to borrow, from time to time, such sum or sums of money, as in their discretion may be deemed necessary, not exceeding two-thirds of the full amount of their capital, to aid in the construction of said work.

Purchase and hold real estate.

SEC. 13. The corporation is hereby empowered to purchase, receive and hold, such real estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted; and may, by their agents, engineers and surveyors, enter upon, and take possession of, and use all such lands and real estate, as may be necessary and indispensable for the construction and maintenance of their single, double or treble rail road, and the accommodations requisite and appertaining thereto; and may also receive, hold and take all such voluntary grants and donations of land and real estate, as shall be made to the said corporation, for the purposes aforesaid, to aid in the construction, maintenance and accommodation of the said single, double, or treble rail road. But all lands or real estate thus entered upon, which are not donated, shall be purchased by the said corporation, of the owner or owners of the same, at a price to be mutually agreed upon, between them:

Voluntary grants.

and in case of a disagreement as to price, and before making any portion of said road, on such lands, the said corporation, or owners of said lands, may apply by petition, to the judge of the circuit court of the county in which such lands may lie—particularly describing the land to be appraised—who, upon such application, shall cause such notice to be given to the other party, as shall be deemed proper and sufficient—appointing therein the time and place of hearing the parties; at which time and place, upon proof that the notice directed has been given, said judge shall prescribe the manner of ascertaining the damage which the owner of said land or real estate, will sustain, by the occupation thereof, of said corporation; and the said judge shall appoint three competent and disinterested commissioners, who shall be freeholders, and residents of the county in which the lands described in the said petition, are situated; and who shall, under the direction of the said judge, make appraisement, and determine said damages, and report in writing, under their hands, to the said judge, who shall examine the same, hear the parties in relation thereto, if he should deem it expedient, and increase or diminish the damages, if he shall be satisfied that injustice has been done. The report shall contain a minute and accurate description of the land appraised. The commissioners shall be allowed three dollars for their services, per day, upon proof to the judge aforesaid, to be made within thirty days after his de-

termination of payment to the owner, or of depositing to the credit of the owner, in such incorporated monied institution as the said judge shall direct, of the amount of said damages, and the payment of all expenses attending such appraisement. The said judge shall make an order or decree, particularly describing the land; and reciting the appraisement of damages, and the mode of making it; and all other facts necessary to a compliance with this section of this act: and when the said order or decree shall be recorded in the office of the recorder of the county in which such lands may be, the said corporation shall be seized and possessed of such lands, or real estate, and may enter upon and take possession, and use the same, for the purposes of said road.

SEC. 14. In case any married woman, infant, idiot, or insane person, or non-resident of this state, who shall not appear after such notice, shall be interested in any such land or real estate, the said judge shall appoint some competent, disinterested person, to appear before the said commissioners, and act for and in behalf of such persons, in this section named.

SEC. 15. It shall be lawful for the said corporation to unite with any other rail road company, which may be already incorporated by this state, on any part of the route or track aforesaid, of said road; or with any company incorporated, or to be incorporated, in the state of Indiana, or in any other of the United States, for the making of a continuation of the said rail road, or any other rail road, from the state line of Illinois to the town of Lafayette, in the state of Indiana, or to any other point in the state of Indiana, on the Wabash river, and thence to any other point in the said state of Indiana, or other state of the Union, upon such terms as may be agreed upon by the directors of said company.

May unite with other companies.

SEC. 16. Said corporation is hereby authorised to construct, erect, build, and make and use a single, double or treble rail road or way, of suitable width and dimensions, to be determined by said corporation, on the line, course or way, designated by the directors as aforesaid, as the line, course and way, whereupon to construct, erect, build and make the same; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and maintain toll houses, and other buildings and appendages, for the accommodation of their concerns, as they may deem suitable for their interests.

To construct a Rail Road.

SEC. 17. Whenever it shall be necessary for the construction of their single, double or treble rail road, to intersect or cross any stream of water, or water course, or any road, highways.

Constructed across water-courses or highways.

or highway, it shall be lawful for the said corporation to construct their way or ways, across or upon the same; after which the corporation shall restore the stream, or water course, or road, or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Tolls.

SEC. 18. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive, the tolls and charges by them to be received, for the transportation of property or persons, on the single, double or treble rail road or way aforesaid, hereby authorised to be constructed, erected, built, made and used, and to take and receive tolls upon any point of said route, whenever, and as fast as sections of five miles are fully completed.

Persons obstructing said road.

SEC. 19. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of the said corporation; or any engine, machine, or structure, or any thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, every person so offending, shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in an action on the case, in the name of the said corporation, with costs of suit, before any justice of the peace, or before any court of record in this state.

Payment of stock.

SEC. 20. It shall be lawful for the directors to require payment of the sums subscribed, or to be subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of such stock, and of all previous payments thereon; and they shall give notice of the payments thus required, and of the place and time when the same are to be paid, ninety days previous to the payment of the same, in the public newspaper published at the seat of government in this state, and at such other place or places as the said directors may deem proper.

Public act.

SEC. 21. This act shall be deemed a public act, and shall be construed liberally in all courts within this state, for all the beneficial purposes therein intended; and all printed copies of the same, which shall be printed by, or under the direction of the general assembly, shall be admitted as good evidence thereof, in the courts aforesaid, without any other proof whatever: and this act shall take effect, and be in force, from and after its passage.

APPROVED, Jan. 18, 1836.



*AN ACT to incorporate the Sangamon Fire Insurance Company.*

In force Jan.  
18, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John Taylor, John Williams, George Passfield, James Bell, Samuel Morris, N. A. Rankin, Joseph Klein, Thomas Houghan, Samuel H. Treat, Ninian W. Edwards, Elijah Iles, and their associates, successors, and assigns be and they are hereby incorporated into a body corporate, and politic, by the name and style of the Sangamon Fire Insurance Company, to have continuance, for and during the term of twenty years from and after the passage of this act; and by such corporate name and style shall be for the term aforesaid, able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all manner of suits, actions, pleas, complaints, causes, matters and demands, of whatsoever kind and nature they may be, in as full and effectual a manner, as any person or persons, bodies corporate and politic may do: may have a common seal which they may revoke and alter at pleasure, and may purchase, hold and convey any estate real or personal, for the use of said company: Provided, that said corporation shall not at any one time, hold real estate, exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.*

Incorporation,

Powers of corporation

Proviso.

SEC. 2. The capital stock of said company, exclusive of premiums, notes and profits arising from business; shall be twenty-five thousand dollars, and shall be divided into shares of fifty dollars each:—fifty per centum of which shall be paid in money, within six months after the first meeting of said company, and the residue in money to be paid, twenty-five per centum thereof in twelve months, and twenty-five per centum in eighteen months from and after said first meeting, under such penalties as the president and directors may in their discretion, order and appoint.

may be increased.

SEC. 3. The said capital stock may be hereafter increased to an amount not exceeding two hundred thousand dollars, should a majority of the stockholders deem it advisable; and the additional stock to be subscribed, and fifty per centum thereof paid in within twelve months after said company shall have commenced operations. The said stock shall be deemed personal property, and assignable and transferable on the books of said corporation; but no stockholder indebted to the corporation, shall be permitted to make a transfer, until such debt be paid or secured to the satisfaction of the directors.



SEC. 4. John Taylor, John Williams, George Passfield, James Bell, Samuel Morris, N. A. Rankin, Joseph Klein, Thomas Houghan, Samuel H. Treat, Ninian W. Edwards, and Elijah Iles, are hereby appointed commissioners for procuring subscriptions to said capital stock, and said commissioners or a majority of them shall open one or more subscription books for said stock, on such days, and at such places as they shall deem expedient; and shall give at least thirty days public notice of such times and places, in one or more of the public newspapers, published at each of said places; the said subscription books shall be kept open until the whole of the stock shall have been taken: and the sum of one dollar on each share subscribed for, shall be paid to the said commissioners, at the time of making such subscription, and as soon as said stock shall be subscribed, or sooner if required by the board of directors, the said commissioners shall deliver over to said board of directors said subscription books, and shall pay over to said board, the whole amount of money severally received by them: *Provided*, always, that said board of directors may at any time that they may desire to do so, appoint other persons as commissioners to obtain subscriptions, to act in conjunction with the commissioners hereby appointed.

Commissioners

Proviso

SEC. 5. It shall be lawful for the president and directors to require payment of the sums subscribed to the capital stock, at such times and on such conditions, and in such proportions, as they shall deem fit, under such forfeitures as they shall prescribe, and they shall give notice of the payments thus required, and of the time and place where and when, the same are to be paid, at least ninety days previous to the time specified for such payments in some newspaper, published in this state and in each of the places where the books of the company may have been opened for the subscription to the capital stock.

In what manner payment of sums subscribed to be made

SEC. 6. The said company shall have power and authority to make insurance against fire, flood, or other destructive element, on vessels, freight, money, goods, and effects, and on any dwelling houses or other buildings, merchandise or other property within the United States, on such terms and conditions, as may be agreed upon by the parties, and fix the premium and terms of payment; and all policies of insurance, by them made shall be subscribed by the president, or in case of his death, sickness or inability to act, or absence, by any two of the directors, countersigned by the secretary of the company, and sealed by him and shall be binding, and obligatory upon said company and any losses duly arising, under any policy so subscribed, and sealed, may be adjusted and settled by the president and board of directors, and the same shall be binding on said company.

Powers granted

SEC. 7. The stock, property, affairs, and concerns of said company, shall be managed by nine directors, one of whom shall be president thereof and who shall hold their offices for one year and until others are chosen and no longer; and who shall at the time of their election be citizens of this state, and holders respectively of not less than ten shares of the capital stock of said company. All elections for directors for said company, shall be held on the first Monday in June of every and each year, at such time of the day, and in such place in the town of Springfield, as a majority of the directors for the time being shall appoint, of which election public notice shall be given by publication for at least ten days in the newspaper printed in, or nearest to the said town of Springfield; and said election shall be made by ballot by a majority of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholder shall be allowed more than thirty votes, and the absent stockholders may vote by proxy under such regulations as the said company shall prescribe, and if through any unavoidable accident, said directors should not be chosen on the first Monday of June as aforesaid, it shall be lawful to choose them on any other day in the manner herein provided, and it shall be the duty of the secretary of said company, at any time upon application in writing, of the proprietors of twenty per centum of the capital stock, to call a meeting of the stockholders, to be holden at such time and place in Springfield, as they shall direct, for the purposes mentioned in such application, by giving like notice thereof as is herein required for the election of directors.

Election of directors.

Proviso

Meetings

SEC. 8. The directors when chosen, shall meet as soon as may be after every election and shall choose one of their own body a president, who shall be sworn or affirmed faithfully to discharge the duties of his said office and shall preside for one year, and in case of the death, resignation or inability to serve of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed, respecting annual elections of directors.

Directors, when elected.

SEC. 9. The president and four of the directors, or five directors, in the absence of the president, shall be a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said company and the transfer of the shares; and touching the duties and conduct of the sev-

Quorum

Proviso. ceral officers, clerks and servants employed, and the election of directors and all such matters as appertain to the business of insurance, and shall also have power to appoint a secretary and as many other officers, clerks and servants, for carrying on said business, as may to the said board seem meet, and to fix the salaries and wages of the officers and servants of said company: *Provided*, always, that such by-laws, rules and regulations, shall not be in violation of the constitution or laws of the United States, or of this state.

Electors of directors. Sec. 10. Any two or more of the persons named in this act, are hereby authorised to call a meeting of said company, by advertising the same for two weeks, in some newspaper printed in Springfield or by written notices posted up for that length of time in five of the most public places in said town, for the purpose of electing their first board of directors; and said directors when elected shall choose a president as herein before provided, and shall continue in office until the first Monday of June next ensuing, and until others shall be chosen in their stead: *Provided however*, that this charter shall be void and of no effect unless put into operation agreeably to its provisions and terms, within eighteen months after the passage of this act, and *Provided also*, that the said company shall not take any risk, nor subscribe any policy by virtue of this act, until one moiety of the capital stock of said company shall have been actually paid in.

Proviso Directors to make dividends. Sec. 11. It shall be the duty of the directors of said company, at such time as the by-laws thereof shall prescribe, to make dividends of so much of the interest arising from the capital stock and the profits of said company, as to them shall appear advisable; but the money received and notes taken for premiums of risk which shall be undetermined and outstanding, at the time of making such dividends, shall not be considered as part of the profits of said company: and in case of any loss or losses, whereby the capital stock shall be lessened, before all the instalments are paid in, each proprietor's or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such losses taking place and no subsequent dividend shall be made, until the sum arising from the profits of the business of said company, equal to such diminution, shall have been added to the capital; and once in every three years and oftener if required by a majority of the votes of the stockholders, the directors shall lay before the stockholders at a general meeting an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

Not to deal in goods, ware, or Sec. 12. Said company shall not directly or indirectly, deal or trade in buying any goods, wares, merchandise or



commodities whatever; and the capital stock of said com-merchandise. pany, collected at each instalment, shall within six months thereafter, be invested, either in the stock of the United States' bank or in any of the incorporated banks of this state, Indiana, Kentucky, Ohio, Mississippi, or New York, or either or all of them, in such proportion as shall be most for the interest of said company, at the discretion of the president and directors of said company or of such other person or persons, as said company shall for such purpose at a meeting appoint: *Provided however*, that the president and directors of said company shall have power to loan to any citizen of this state, any portion of their capital stock not exceeding one half on respondentia or bottomry; *Provided however*, that the sum loaned on any one bottom at any one time, including the sum insured in any other way upon the same bottom, shall not exceed ten per centum upon the capital stock of said company; nor shall the same be loaned, but with the assent of three fourths of the directors of said company and such loan, together with the assent aforesaid, shall be entered at large upon the records of said company, and shall be laid before the stockholders at their next meeting following the loan; and it shall be in the power of the directors of said company, in case they shall deem it more for the interest of said company than any of the investments above described, to loan any portion of the capital stock aforesaid, not exceeding two thirds of the whole amount to any person or persons within this state, either on mortgage on real estate within this state or on pledges of the public stocks of the United States, or of the bank of the United States, or of any other bank incorporated by authority of this state, or any of the states above mentioned.

SEC. 13. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the President and directors, after knowing of such loss or losses having taken place, shall subscribe to pay any policy of insurance, their estates jointly and severally shall be accountable for any and every such loss which shall take place, under policies so subscribed, and the estate of the stockholders as aforesaid, shall be liable for any losses equal to the amount of said capital stock subscribed, and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in, or profits not divided.

SEC. 14. Said insurance shall be kept and located in the town of Springfield.

SEC. 15. The president and directors of said company, shall, previous to subscribing to any policy, and once in every year after, publish in two of the newspapers printed in

Proviso

Proviso.

Amount of stock to be published.



this state the amount of their capital stock, against what risk they mean to insure and the largest sum they mean to take on any one risk.

President and Directors to lay before legislature a statement

SEC. 16. The president and directors of said company shall when, and as often as requested by the legislature of this state, lay before them, a statement of the affairs of said company and submit to an examination concerning the same under oath.

Deemed a public act.

SEC. 17. This act is hereby declared a public act, and shall take effect from and after its passage; and shall be liberally construed for every purpose herein contained: the said corporation shall not be dissolved, nor this charter forfeited for, or by reason of any errors, omissions or irregularities of the said company or its agents: *Provided always*, that such errors, omissions or irregularities, shall not be in violation of any of the provisions of this act: and *Provided also*, that nothing in this act shall be so construed, as to invest said company with any banking powers, or to authorise them to make, emit or utter any bills of credit, bank notes, promisory notes, or other thing to be used as a circulating medium, as, and in lieu of money.

Proviso.

APPROVED, Jan. 7, 1836.

In force Jan. 14. 1836.

### *AN ACT to incorporate the Warsaw, Peoria and Wabash Rail Road Company.*

Company incorporated

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Mark Aldrich, James Montague, Walter Bagby, David Matthews, B. F. Marsh, Francis Vorics, Augustus O. Garrett, Cyrus Leland, Andrew Gray, John Dedman, John C. Caldwell, Anson Deming, William S. Mans, James Allen, John S. Moore, Joel Wright, Isaiah Stillman, Myron Phelps, Thomas W. Clark, James M. Campbell, Cyrus Walker, and such other persons as may associate with them for that purpose, be, and they are hereby constituted, a body politic and corporate,

Name and style of incorporation-

by the name of the "Warsaw, Peoria and Wabash Rail Road Company," for the purpose of constructing a rail road from Warsaw, on the Mississippi, in Hancock county, by the way of Carthage, in said county, Macomb, in Macdonough county, to Peoria, on the Illinois river, in Peoria county; thence to Mackinawtown, in Tazewell county; Bloomington, in McLean county, to a suitable point on the line dividing the states of Illinois and Indiana, in a di-

rection to the termination of the Erie and Wabash Canal;—  
to transport, take, and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or by a combination of them, which the said corporation may choose to employ; and by that name, they, and their successors, shall be, and hereby are vested with the right and privilege of constructing and using the said road, for the purposes aforesaid, from and to the points comprised within the limits before mentioned, and may have succession, and shall be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and in all manner of actions; and that they and their successors may have a common seal, and may change and alter the same at their pleasure. Powers.

SEC. 2. That if the said corporation, hereby created, shall not construct or finish any part or parts of said road, as they may select, and put in operation the same, within ten years from the passage of this act, then the said corporation shall thenceforth and forever cease, and this act be null and void. Completion.

SEC. 3. The capital stock of said company shall be one hundred and fifty thousand dollars, with liberty to increase the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such increase shall be found necessary to fulfil the intent of this act; which said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by law direct. Capital Stock

SEC. 4. That Mark Aldrich, James Montague, Walter Bagby, B. F. Marsh, David Matthews, John Dedman, Francis Vories, Augustus O. Garret, Cyrus Leland, Andrew Gray, John C. Caldwell, Anson Deming, William S. Mans, James Allen, John S. Moore, Joel Wright, Isaiah Stillman, Myron Phelps, Thomas W. Clark, James M. Campbell and Cyrus Walker, shall be commissioners, the duty of whom, or a majority of them, it shall be, at some suitable place in Philadelphia, New York and Baltimore, and in the towns of Warsaw, Carthage, Macomb, Peoria, Chicago, Bloomington, in the state of Illinois, or at such of said places as the said commissioners may deem necessary, to open books, to receive subscriptions to the capital stock of said corporation, and to do such other things, as in their opinion is best calculated to get the said stock taken up. Sixty days public notice shall be given by said commissioners of the time and place of opening said books, in one of the public newspapers in or near each of said places. The commis- Commissioners  
appointed to re-  
ceive subscrip-  
tions.

- sioners shall receive no subscriptions unless one dollar on each share subscribed, be paid at the time of subscribing. And as soon as the capital stock shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors: and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy—each share of the capital stock entitling each stockholder to one vote. And the said commissioners shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books to the said directors. And the time and place of holding the first meeting of the directors, shall be fixed by the said commissioners.
- Election of directors.** And the directors to be chosen at such meeting, or at such annual election, shall, as soon as may be after every election, choose out of their number, one president, and one other person to be vice president; and in case of the death, resignation, or removal of the president, vice president, or of any director, such vacancy or vacancies may be filled for the remainder of the year, whenever they may happen, by the directors: and in case of the absence of the president and vice president, the board of directors shall have power to appoint a president, pro tempore, who shall have and exercise such powers and functions as the bye-laws of the said corporation may provide.
- Duties of directors.**
- Payment of stock.** SEC. 5. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time, where and when the same are to be paid, at least ninety days previous to the payment of the same, in some public newspaper of this state, and in the several cities where the books of the company may have been opened for subscriptions to the capital stock.
- Election.** SEC. 6. That in case it should at any time happen that an election of directors shall not be made, on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved; but such election may be held at any other time, directed by the bye-laws of said corporation.
- Powers delegated to Directors** SEC. 7. That five of the directors of said corporation shall form a board; and they, or a majority of them, shall be competent to transact all the business of the corporation: and they shall have full power to make and prescribe such bye-laws, rules and regulations, as to them shall appear need-



ful and proper, touching the management and disposition of the stock, property and effects of said corporation—the transfer of shares; and touching the duties and conduct of their officers and servants, and the electing of directors; and all other matters whatsoever, which may appertain to the concerns of the said corporation; and also shall have power to appoint a secretary, and as many clerks and servants as to them shall seem proper; and to establish and fix such salaries and allowances to them, and also to the president and vice president, as to the said board may appear proper.

SEC. 8. That the said corporation be, and they are hereby authorised, by their agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground lying within the aforesaid limits, prescribed by the first section of this act, as shall be necessary to determine the most advantageous route for the proper line or course, whereon to construct their said road: and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such real estate as may be indispensable for the construction and maintenance of their said road, and the accommodations requisite and appertaining to them; and may also hold and take all such voluntary grants and donations of land and real estate, as shall be made to the said corporation, to aid in the construction, maintenance, and accommodation of their said road; *Provided*, That all lands and real estate thus entered and taken possession of, and used by said corporation, and which are not donations, shall be purchased by said corporation, of the owners of the same, at a price mutually agreed upon between them; and in case of disagreement as to price, it shall be the duty of the governor of this state, upon a notice given him by the said corporation, to appoint three commissioners, who shall be persons not interested in the matter to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation, has or have sustained by the occupation of the same; and upon the payment of such damages, together with the costs and charges attending the appraisement, by the said corporation—the commissioners being allowed three dollars per day, while thus employed; or upon the said corporation depositing in [the] treasury of the county in which the land lies, the amount of said damages, together with the costs and charges aforesaid, to the credit of the person or persons to whom the commissioners may have awarded them, the said county treasurer shall give notice to such person or persons, by letter, of such deposit being made by the said corporation; then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands

Examination  
and surveys

Lands not donated to be purchased and how

Proviso

Damages.

Corporation, when seized & possessed of lands.



Lands of Feme  
covert, Infants  
or persons non  
compos mentis.

Locating, con-  
tracting, and  
completing said  
road.

Toll granted

Corporation,  
powers of.

Road to inter-  
sect, or cross  
water course or  
highway.

Intersecting  
other roads.

or real estate, as shall have been appraised by the said commissioners; and it shall be the duty of said commissioners, or a majority of them, to deliver to the said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation, in the clerk's office of the county in which the land or real estate may be: that in case any owner or owners of land or real estate so appraised, shall be *femes covert*, under age, or *non compos mentis*, or out of this state, then, and in that case, the said corporation shall pay the amount which shall have been awarded as due, to the last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with interest, at the rate of six per cent. per annum.

SEC. 9. That the said corporation be, and they are hereby authorised to construct, and use, a road of suitable width and dimensions, to be determined by the said corporation, within the limits prescribed in the first section of this act; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; as well as the manner in which they shall collect all tolls and dues, on account of transportation and carriage; and shall have power to erect and maintain toll houses, and other buildings, for the accommodation of their concerns, as they may deem suitable to their interests, and to collect tolls as soon as any part thereof shall be finished.

SEC. 10. That the president and directors of said company (if it shall be so decided by a full majority of all the stockholders therein voting, as above provided,) shall cause to be constructed, a double or single rail road, or way, along the same route, as they may think proper, which shall be subject to the same rules and regulations as herein provided.

SEC. 11. That whenever it shall be necessary, for the construction of their rail road, to intersect any stream of water, or water course, or any road, or highway, between the places mentioned in the second section of this act, it shall be lawful for the corporation to construct said rail road, or trackway, across or upon the same; but the corporation shall restore the stream, or water course, or road, or highway, thus intersected, to its former state, sufficiently so, as not to obstruct its navigation, or usefulness, in any respect whatever.

SEC. 12. It shall be lawful for any rail road company which may hereafter be incorporated, to join and unite with the rail road or track way hereby created and incorporated, at any point at which the directors of the company, hereaf-

ter to be created and incorporated, may think advisable,—on such terms as the directors of the two companies may, respectively, agree upon; and in case of a disagreement between the directors of the two companies, then, upon such terms as the circuit court of the county in which the intersection may be, shall, upon a full view and hearing of all the facts connected with the case, determine to be equitable between said companies.

SEC. 13. That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction, or work of the said corporation; or any engine, machine, or structure, or any matter or thing, appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation double the amount of the damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought before any court of record in this state, or before any justice of the peace in the counties where such injuries may have accrued; and the person or persons so offending, shall be deemed guilty of a misdemeanor, and liable to fine and imprisonment.

Obstructing s'd road

SEC. 14. That this act shall be deemed a public act, and shall be benignly and favorably construed, for the purposes therein expressed and declared, in all courts and places whatsoever.

A public act.

APPROVED, Jan. 14, 1836.

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*A.N. ACT to Incorporate the Waverly and Grand Prairie Rail Road Company.*

In force 16th Jan., 1836.

SEC. I. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That J. R. Sims, Elihu Walcott, B. Gillit, John P. Wilkinson, Samuel M. Prosser, John Wyatt, Joel Catlin, Matthew Cyrus, John Challen, John Wright, J. S. D. B. Salter, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Waverly and Grand Prairie Rail Road Company," and by that name may be, and hereby are made capable, in law and equity, to sue and be sued, plead and impleaded, defend and be defended, in any court, or courts of record, or in any other place: to*

Company incorporated.

make have and use a common seal, and the same to break, renew, and alter at pleasure; and shall be, and are hereby vested with all the powers, privileges, and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorised and empowered, to locate, construct, and finally complete, a rail road, commencing at or near the town of Jacksonville, in Morgan county; thence in a south east direction, to the town of Waverly, in said county of Morgan; thence to intersect the Alton and Springfield rail road, at any place upon which said commissioners may agree, and deem most expedient; and for this purpose said company are authorised to lay out their said road, at least six rods wide, through the whole length; and for the purpose of cutting embankments, stone, and gravel, may take as much more as may be necessary for the proper construction, and security of said rail road: *Provided*, all damages that may be occasioned, to any person or corporation, by the taking of such land or materials, for the purposes aforesaid, shall be paid for by the company, in the manner hereinafter provided.

Proviso.

Capital stock

Directors.

Election.

Powers defined

SEC. 2. The capital stock of said company, shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of the affairs of said company, shall be vested in nine directors, who shall be chosen by the members of the company in the manner hereinafter provided; who shall hold their offices for one year, and until others shall be duly elected, and qualified to take their places as directors. And the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their own number to be president of the board, who shall also be president of the company; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bond to the company, with securities to the satisfaction of the directors.

SEC. 3. The president and directors for the time being, are hereby authorised and empowered, by themselves or their agents, to examine all the powers and authorities herein granted for the purpose of locating, constructing and completing said rail road, and all such other power and authority for the management of the affairs of said company, not heretofore granted, as may be necessary to carry into effect the objects of this grant; to purchase and hold lands, materials, and other necessary things, in the name of the company for the use of the road, to make such equal assessments from time to time, on the shares in said company, as they may deem expedient or necessary, in the progress and



execution of the work, and direct the same to be paid to the treasurer of said company; and the treasurer shall give notice of all such assessments. The board of directors shall have power to adopt rules and bye-laws, regulating the manner and time of payment, of all assessments they may order, under such penalties as they may deem proper.

SEC. 4. Said company shall be holden to pay all damages Liabilities. that may arise, to any person or persons, corporation or corporations, by taking their land, stone, or gravel, for the use of said rail road, when the same cannot be obtained by mutual agreement; to be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

SEC. 5. When the lands or other property, or estate of any married woman, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such married woman, and the guardian of such infant or person non compos mentis, may release all damages in relation to the land or estate to be taken, and appropriated as aforesaid, as they might do if the same were holden in their right, respectively.

SEC. 6. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any car on said rail road, or any part thereof, or any thing belonging thereto, he she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proved before any court competent to try the same, to be sued for in the name, and in behalf of said company; and such offenders shall be deemed guilty of a misdemeanor, and liable to indictment, in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction, such offender shall be liable to a fine not exceeding five thousand dollars, for the use of such county where such indictment may be found, or may be imprisoned not exceeding one year, at the discretion of the court before whom the conviction may be had. Persons wilfully & maliciously damageing said road.

SEC. 7. Said company shall construct their said rail road Rivers and highways. across creeks, rail roads, turnpikes, and other public ways, so as not to hinder, obstruct, or interfere, with the passage and free use of such public ways; and if said rail road shall not be so constructed, it shall be lawful for the persons agrieved, to abate the same, in the same manner as is now provided by law, for the removal of obstructions to public ways.

SEC. 8. The time of holding the annual meetings of said Meeting. company for the election of directors, shall be fixed and determined by the bye-laws of said company; and at all meetings each stockholder, shall be entitled to vote in person or

by proxy duly authorised, one vote for each share, he, she, or they may hold, bona fide, in said stock.

Commissioners  
to open sub-  
scription books.

SEC. 9. That, J. R. Sims, Elihu Woolcott, B. Gillit, John P. Wilkinson, Samuel M. Prosser, John Wyatt, Joel Catlin, Matthew Cyrus, John Challen, John Wright, and J. S. D. B. Salter, are hereby appointed commissioners to open subscription books for the stock of said company; said commissioners, or a majority of them, are hereby authorised to open subscription books for said stock, at such places as they may deem proper, and shall give at least thirty days notice of the time and place when and where such books will be opened; and shall keep the same open for five days, unless the whole amount of capital stock, authorised by this act, shall be subscribed in less time than the said five days. And they shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing; and at the termination of said term of five days, or sooner if the whole amount of capital stock shall be subscribed, said commissioners shall call a meeting of the stockholders, by giving ten days notice in some newspaper printed in this state, of the time and place of such meeting. At such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, together with all sums of money received by them as such commissioners, to said directors: *Provided*, that no election shall be held, until the whole amount of capital stock shall have been subscribed as provided in this act; and, *provided further*, that each director, shall, at the time of his election, hold at least five shares, in the capital stock of said company.

Directors how  
chosen

Proviso.

Powers of.

SEC. 10. Said board of directors shall have power to make ordain, and establish, such bye-laws, rules, and regulations, and ordinances, as they may deem expedient and necessary to accomplish the purposes, and carry into effect the provisions of this act; and for the well ordering, regulating, and securing, the interests and affairs of said company: *Provided*, the same be not repugnant to the constitution and laws of the United States, or of this state.

Authorized to  
borrow money.

SEC. 11. For the purpose of facilitating the construction of said rail road, as contemplated and authorised by this act, the said company is authorised to negotiate a loan, or loans, of money, to the amount of its capital stock, and to pledge all of its property, real and personal, and all of its rights, credits, and franchises, for the payment thereof,

SEC. 12. The said company shall be authorised to loan any part of its funds, taking any interest thereon that may be lawful in this state for any individual to receive on money loaned.

SEC. 13. In case the company shall negotiate the loan herein authorised, the holders of stock shall never be required to pay a larger amount upon the stock subscribed, than will be sufficient to pay the interest on the amount borrowed and the principal, as the same may become due and payable: *Provided*, that five dollars shall be paid upon each share subscribed, as heretofore required in this act.

SEC. 14. If the said company shall not, within two years Commence- from the passage of this act, commence the construction of said road, and within four years expend fifty thousand dollars in the construction thereof, and within eight years complete the same; the powers and privileges conferred by this act shall cease, and become null and void.

APPROVED, Jan. 16, 1836.

*AN ACT to incorporate the Rushville Rail Road Company.* In force, Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Incorporation. *represented in the General Assembly,* That a corporation is hereby created for the purposes mentioned in this act; and all persons who shall become holders of the stock of this company, pursuant to this act, shall be, and they are hereby constituted, a body politic and corporate, by the name of the "President and Directors of the Rushville Rail Road Company;" and by that name shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever. Powers of said incorporation.

SEC. 2. The said corporation is hereby empowered to construct a rail road from Rushville, in Schuyler county, to the Illinois river; and to take, transport and carry property and persons upon the same, by any power which the said corporation may choose to employ: and by this act the said corporation are hereby vested with the right and privilege of locating the ground for said rail road, for a double or single track, in the first instance, and having the damages in regard to the same, assessed in the manner hereinafter provided for. Further powers.

SEC. 3. That if the corporation hereby created, do not, within seven years from the passage of this act, construct Road to be constructed. and finish, and put in operation, the said road, then the said corporation shall thenceforth and forever cease.

SEC. 4. That John Scripps, Hart Fellows, Josiah Par-



Commissioners  
to open books,  
and receive  
subscriptions.

rett, John T. Worthington, James McCroskey, Richard Dougherty, Joseph Bunton, Jesse M. M'Cutcheon and Ralph Hurlbut, are hereby appointed commissioners, the duty of whom, or a majority of them, and a majority of the successors of them, shall, at some suitable place in Rushville, and in St. Louis, and in such other cities, towns and places, as the said commissioners, or the said majority of the survivors, may determine upon, and at such times as they may appoint, open, or cause to be opened, books to receive subscriptions for the shares of the stock of said corporation, at one hundred dollars a share, for such number of shares, not exceeding fifteen hundred, as the said commissioners, or said majority of them, or said majority of the survivors of them, may fix upon and determine; and to do such other things, as in their opinion, may be best calculated to get said stock taken up. At least thirty days' public notice shall be given by said commissioners, or said portion of them, of the time and place of the opening of the said books, in one of the public newspapers in each of the said places. No subscription shall be received, unless at least one dollar on each share subscribed, be paid at the time of subscription. And if the whole of the said shares shall not be taken within twenty days after the books shall have been opened, as aforesaid, the said commissioners, or said portion of them, shall open other books, on such days, at such places, as they shall deem expedient, giving at least twenty days notice of the time and place of re-opening said books, in one or more newspapers, printed at or near the place of re-opening said books.

To be surveyed

SEC. 5. That the said commissioners be, and they are hereby authorised, by their agents, surveyors and engineers, to cause such examinations and surveys to be made, of the ground from Rushville to any point or points on the Illinois river, as they may think proper, to form an estimate of the cost of making the said rail road.

Directors, pow-  
ers of.

SEC. 6. The stock, property, and concerns of the said corporation, shall be managed and conducted by nine directors, being stockholders, and citizens of this state: but five of the directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact all the business of the said corporation; and they shall have full power to make and prescribe such byc-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and privileges and effects of the said corporation—the transfer of shares; and touching the duties and conduct of their officers, agents, and servants, and the election of directors, and all other matters whatsoever,

which may appertain to the concerns of the said corporation: and also shall have power to appoint a secretary, treasurer, and as many clerks, agents and servants, as to them shall seem meet, and prescribe their duties; and to establish and fix such salaries and allowances to them, and also to the president, as to the said board shall appear proper.

To appoint officers, agents.

SEC. 7. As soon as the directors shall have been chosen, and the commissioners hereby appointed and authorised to act, shall have been notified of their election, they shall pay over the whole amount of subscriptions, severally paid to, and received by them, into the hands, or to the order of the president and directors of the said corporation: *Provided*, That if, on closing the books, it shall be found that more than the number of shares prescribed by the said commissioners, have been subscribed, the excess shall be taken first from such as reside out of the state, then from corporations; and should there still be an excess, the same shall be taken in proportion, from the remainder, as nearly as may be convenient, until all are reduced to the proper amount.

Commissioners to deliver books and moneys to directors.

SEC. 8. The election of directors under this act, shall be held at such time and place, in the town of Rushville, in said county, as shall be directed by said commissioners, or said portion, authorised as aforesaid, to act, who are hereby appointed inspectors of the first election; and the persons then elected as directors, shall hold their offices for one year, and until others are elected.

Election of directors.

SEC. 9. The directors for every subsequent year shall be elected by the stockholders, either in person or by proxy, each share authorising one vote, at an election to be held from time to time, in the said town of Rushville, under the direction of the bye-laws; and shall hold their offices for one year, and until others are elected in their stead.

Annual elections.

SEC. 10. All elections shall be by ballot, and the nine persons who shall have the greatest number of votes, shall be the directors: and if at any election two or more persons have an equal number of votes for directors, then the directors who shall have been duly elected, shall proceed, by ballot, and by a plurality of votes, determine the election from among those having an equal vote. And any vacancy that may happen from any cause among the directors, may be supplied, for the time being, by the bye-laws, or by the remaining directors, or a majority of them.

Election to be by ballot

SEC. 11. The directors elected, as soon as may be after their election, shall proceed to choose, by ballot, one of their number to be president, who shall preside in the board until the next annual election: and in case of his death or resignation, they, or such portion of them as may act as aforesaid, may proceed to fill the vacancy occasioned thereby, for

To choose a president.

the residue of his term; and in any case of the absence of the president, the directors present at any meeting of the board, may elect a president pro tem.

Payment of  
stock.

SEC. 12. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the time and place when and where the same are to be paid, at least ninety days previous to the time of payment of the same, in some public newspaper of the state, and in the several cities where the books of the company may have been opened for subscription for stock, and stock actually there taken.

Powers vested  
to Company.

SEC. 13. That the said corporation be, and they are hereby authorised, by their agents, surveyors and engineers, to cause such examinations and surveys to be made, of the ground and country between Rushville and the Illinois river, as shall be necessary to determine the most advantageous route, for the proper line, or course, whereon to construct their said rail road. And it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate, as may be indispensable for the construction and maintenance of their said rail road, and the accommodations requisite and appertaining to the same; and may also hold and dispose of such lands as they may purchase and receive under the general provisions of the first section of this act; *Provided*, That all lands or real estate entered and taken possession of, and used by said corporation, for the purposes and accommodation of the said rail road, or upon which the site for the said rail road shall have been located, or determined, by the said corporation, shall be paid for by the said corporation, in damages, if any be sustained by the owners thereof, or would be sustained by the owners thereof, by the use of the same, for the said rail road—which damages shall be ascertained by the said corporation in the same manner that they are now ascertained in the case of public roads, running through the lands of individuals—some one of the said directors acting in the stead of the supervisor, in the general road law; and where the owner or owners of such lands reside out of the state, the said damages shall be payable on demand, together with six per centum per annum interest on the same.

Proviso.

Damages.

Power to ex-  
tend, &c.

SEC. 14. The said corporation is hereby authorised to determine the width and dimensions of the said rail road, and the said premises necessary thereto; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the



same; as well as the manner in which they shall collect the tolls, compensation and dues, on account of transportation and carriage, and how the said rail road shall be used; *Provided*, That the nett proceeds of the rail road, as clear profits, shall not exceed twenty per centum per annum, upon the cost of the same rail road, taking every expense in and about the same, directly or indirectly expended. Proviso

SEC. 15. That the said county of Schuyler, or state of Illinois, may have power to purchase from the said corporation, at any time, said rail road, by paying to the said corporation the costs of the same, with twenty per centum per annum interest thereon, or any other less amount, that can be mutually agreed upon. County of Schuyler, or state, may purchase said road

SEC. 16. The expenses incurred by the commissioners in exercising any duties required by this act, shall be paid out of the monies received by them from the subscribers, out of the stock. Commissioners, how paid.

SEC. 17. This act shall be taken and received by all courts, and by all judges, magistrates, and other public officers, as a public act; and shall be construed liberally for all beneficial purposes therein intended; and all printed copies of the same, which shall be by, or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever. Public act.

SEC. 18. All conveyances of real estate, shall be made and signed by the president of this corporation, and shall have affixed to the conveyance the seal thereof. Conveyances, how made.

SEC. 19. That if any person or persons shall wilfully do, or cause to be done, any act or acts, whatever, whereby any building, construction, or work of the said corporation; or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, defaced, disfigured or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation double the amount of damages sustained by means of such offence, or injury, to be recovered in the name of such corporation, with costs of suit, by action of debt on case, to be brought in any court of record in this state, or before any justice of the peace in the county where any such injury may have accrued; and the person or persons so offending, shall moreover be deemed guilty of a misdemeanor, and be liable to fine and imprisonment. Penalty for obstructing.

SEC. 20. That when the said rail road shall be completed, the president and directors shall make out a minute, full and detailed statement, of the expense of constructing the same, accrued directly or indirectly; which report shall be under oath of the president and directors, and shall be filed in the secretary's office of this state; and from thence-

forth shall annually, when required, make a report unto the said office, of the clear and nett amount of any annual profit from the rail road.

APPROVED, Jan. 16, 1836.

In force Jan. 13, 1835. *AN ACT to incorporate the Pekin and Tremont Rail Road Company.*

**Incorporation,** SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Madison Allen, Harlan Hatch, J. L. James, John H. Harris, George W. Brodrick and Aronet Richmond, their associates, successors or assigns, shall be, and are hereby constituted, a body corporate, by the name and style of the "Tremont and Pekin Rail Road Company," and shall continue for the term of **To continue 40 years.** forty years from, and after the passage of this act: *Provided,* that the state of Illinois, or the county of Tazewell shall have the privileges at the expiration of the period aforesaid, of purchasing the rail way, and other property authorised by this act, to be held by said company at the cost thereof, and six per centum per annum interest thereon.

**Privileges of said corporation.** SEC. 2. The corporation shall have the right and power to construct, and during its existance to maintain and continue, a single or double rail road or way, or a single or double track-way, with such appendages, or appurtenances, as may be necessary, for the convenient use of the same, from the town of Tremont in Tazewell county, to the banks of the Illinois river, at the town of Pekin in said county to **Transportation** transport, take and carry, persons and property on the same by the power and force of steam, of animals, or any mechanical or other power; or a combination of the same, as the said company shall choose to employ; and by the name aforesaid they are vested with the right and privilege, of erecting, building or making, a single or double rail road or way, or single or double track-way for the purpose aforesaid, and the right of using the same, in the manner hereafter provided.

**Commencement** SEC. 3. If the said corporation hereby created, shall not within one year from the passage of this act, commence the construction of said rail road or way, and within three years from the passage of this act, construct, finish and put in operation the said single or double rail road or way, or track-way from the river aforesaid, to Tremont; then the said corporation shall forever cease, and this act shall be null and void.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, with liberty to increase the same to one hundred and fifty thousand dollars, to be held in the first instance as follows: to the aforementioned members of the corporation hereby created jointly, three fourths, and to such bona fide citizens of Tazewell county, as shall on or before the first day of March 1836, subscribe for the same, one fourth of the capital aforesaid; *Provided*, that should the entire one fourth part of said stock remain unsubscribed for; it shall be allotted to the aforesaid members of the corporation hereby created; books for the subscription of the citizens of Tazewell county shall be opened at the town of Tremont in said county on the first Monday of February 1836, and remain open for the period of ten days, the shares to be in the sum of one hundred dollars each.

Capital stock.

Proviso.

SEC. 5. The corporation is hereby empowered, to purchase, receive and hold, such real estate as may be necessary and convenient for the accomplishing the object for which this incorporation is granted; and may by their agents, surveyors, and engineers, enter upon and take possession of, and use, all such lands and real estate and materials as may be necessary for the construction and maintenance of their rail road, or track-way, and the accommodations required or appertaining thereto, and may also receive, hold, and take all such voluntary grants of land and real estate, and materials, for the purpose of said road, as shall be made to the said corporation, by the general or state government; or by any corporation, company, individual or individuals, to aid in the construction, maintainance, and accommodation of said rail road, or track-way, completely vesting in said company and corporation, absolutely in fee simple the same: but all lands, and real estate thus entered upon for materials or otherwise, which are not donations, or owned by the company, shall be purchased by said corporation of the owner or owners; in case of disagreement as to price, and before taking any materials, or making any part of said road on said land in controversy, it shall be lawful for the commissioners, superintendants or other authorised person or persons of said company, to apply to some justice of the peace of the county of Tazewell, who shall cause five freeholders to be summoned, who, after being sworn faithfully and impartially, to examine the materials or ground to be pointed out to them by the commissioner, superintendent, or other authorised person or persons; and reasonable notice being given to the owner of the property, said freeholders shall assess the damages which they believe such owner or owners will sustain, over and above the additional value such land will derive from the construction of such road, and

Powers of said company.



make a report, signed by at least a majority of them; one of which they shall deliver to the commissioner, superintendant or other authorised person or persons, requiring said view and assessment, and the other to the justice of the peace, and the amount of the damages and costs being paid to the owner or owners, which shall have been assessed, or deposited with the justice of the peace, the road may be constructed, located, and the materials taken; if either party shall be dissatisfied with the valuation, where lands are in question, an appeal may be taken in twenty days, to the circuit court of the said county of Tazewell, by a petition, setting forth the facts of the case, describing the lands and premises, and the necessity of such land for making said rail road, or track-way; and the attempt and failure to purchase the same, with the name and residence of the owner of the same, and the reason why the purchase cannot be made; and the circuit court aforesaid, acting and setting as a court of chancery shall direct such notice to the owner and parties, as shall be deemed reasonable, of the time of hearing the parties; (*Provided*, that in case the appellee shall have had seven days previous notice of the taking of the appeal: no further notice shall be necessary; but said court shall proceed and determine said cause as speedily as practicable) and upon proof of service of notice of the appeal, and upon hearing the testimony of the parties, which may be taken orally, or by deposition; it shall make such order and decree in the premises, as to it may seem proper and equitable, and may either increase or diminish the amount of the damages assessed, or reject said petition altogether, and shall also make such order for the payment of the costs as may be just and proper; it shall also order a conveyance of the land in controversy, to be made when the decree shall be complied with, on the part of the corporation; whenever said order and decree shall be fully complied with on the part and behalf of said corporation; it shall be possessed of the land in controversy, and may enter upon and take possession of, and use the same, for the purposes of said road; where a difficulty shall arise, as to the value of materials which may be needed to construct said work; or the amount of damages done to land, by the agents of the company passing through said land in collecting materials aforesaid, there shall be no appeal to the circuit court; but in case the parties, or either of them be dissatisfied, and it should appear to the justice that it is right and necessary to justice, he may set aside the first valuation; (*Provided* the same shall be done in three days after said valuation) and appoint five other commissioners to appraise and value the materials or damages last aforesaid, whose award in the

Proviso,

premises, shall be final, and who shall apportion the cost as may appear just, on one or both of the parties. In case any married woman, infant, idiot or insane person, or non-resident of the state, who shall not appear after such notice, shall be interested in any such land or real estate; the circuit court or justice of the peace, shall appoint some competent and suitable person to appear before said commissioners, or said circuit court, and act for and in behalf of such married woman, infant, insane person, idiot, or non-resident of the state.

SEC. 6. The said corporation is hereby authorised and empowered, to regulate the time and manner in which goods, passengers, and property, shall be taken and carried on said rail road or trackway and shall have power to erect and maintain, toll houses, and other buildings necessary for the accommodation of their concerns; and from time to time fix, regulate, demand, and receive, the tolls and charges by them to be received for transportation of persons or property, on said single or double rail road or way, or said single or double track-way.

Erect toll houses, appoint toll gatherers.

SEC. 7. If any person shall wilfully do or cause to be done, any act or acts, whatsoever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing pertaining to the same shall be stopped, obstructed, weakened, impaired or destroyed, the person or persons, so offending shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence or injury; to be recovered in the name of said corporation, with costs of suit by action of debt, and shall likewise be subject to be indicted for injuries and offences against the property of said corporation; as for injuries or offences done the property of individuals.

Persons obstructing said road.

SEC. 8. Whenever it shall be necessary for the construction of said rail road or track-way, to intersect or cross any stream of water or water course or courses, or any road or highway, between the places mentioned in the second section of this act, it shall be lawful for said corporation to construct said rail road or track-way across or upon the same, but the corporation shall restore the stream or water course, or roads or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness.

Rail road when passing over highway, &c.

SEC. 9. The corporation created in this act, known by the name and style of the "Pekin and Tremont Rail Road Company" shall have the right to sue in any court of law or equity in the state, having jurisdiction of the case, and prosecute the same to judgment and recovery; and to defend when being sued, to plead and be impleaded, both in

Privileges.

law and in chancery; and shall be entitled to all the privileges and rights, which such a corporation by statutes or common law governing the case, ought and should of right have, and they may have a common seal, alter and change the same at their pleasure. The whole stock of the corporation aforesaid, shall be deemed personal property, and together with all tools, implements, machinery, and apparatus of every description, used, employed, or in hand and belonging to the said company, and shall be liable to be seized and executed, and sold after the judgment or decrees, to make good any contract, agreement or stipulation, made by any agent, superintendant or authorised person or persons in the employment of said company; and it shall be a sufficient service of process or notice in all cases to leave a copy of the same with the president of the board of directors or the secretary of the company, or in case of absence from the county of Tazewell, to leave a copy of the same at the office thereof.

Bye-laws

SEC. 10. The company aforesaid shall have power to make all the regulations and by-laws requisite for the transaction of all business appertaining to their affairs; *Provided*, such by-laws and regulations are not in contraversion of the provisions of this act, nor of the laws or constitution of the United States, nor of the state of Illinois. The corporation aforesaid shall have power to negotiate for a loan or loans, in aid of the purposes provided for in this act, to pledge their capital stock, or other property for the security thereof; *Provided*, that said loan do not exceed the amount of said capital.

Who to receive  
subscriptions.

SEC. 11. A violation of any of the provisions of this charter, shall forfeit the same, to be determined in due course of law; the books provided to be opened, by the fourth section of this act, shall be under the charge of Benjamin Mitchell, William Brown; A. N. Denning, Charles Oakley, and Edward Jones of the county of Tazewell, who shall receive all subscriptions offered, by bona fide male citizens of the county aforesaid of lawful age; *Provided*, a greater number than one hundred and twenty-five shares be subscribed as aforesaid, the said commissioners, shall reduce the number to be allotted to each subscriber so that not less than one share shall be apportioned to each; *Provided also*, if a greater number of shares is subscribed for, by a less number of persons than one hundred and twenty-five; then the said commissioners shall reduce the shares, pro rata.

Proviso.

May unite with  
other compa-  
nies.

SEC. 12. It shall be lawful for the Pekin, Bloomington, and Wabash rail road company to unite their road with the road herein contemplated, at the town of Tremont, upon such principles and terms, as shall be adjudged just and



equitable, by the circuit court of Tazewell county whose decision in the premises shall be final and conclusive.

APPROVED, Jan. 13, 1836.

*AN ACT to amend an act entitled, "An act to incorporate the Jacksonville and Meredosia Rail Road Company."* In force Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the capital stock of the Jacksonville and Meredosia Rail Road Company, shall be and the same is hereby increased to three hundred and fifty thousand dollars. Capital Stock increased.

SEC. 2. For the purpose of facilitating the construction of the rail road, as contemplated and authorised by the act to which this is an amendment, the said company is authorised to negotiate a loan, or loans of money, to the amount of its capital stock, and to pledge all of its property, real and personal, and all of its rights, credits, and franchises for the payment thereof. To negotiate a loan, pledge its property.

SEC. 3. The said company shall be authorised to loan any part of its funds, at any rate of interest allowed to be taken by the general laws of the state in relation to interest upon money, and to take such security for the payment thereof, as may be deemed sufficient: *Provided*, that the legislature shall not, within twenty-five years after the completion of said rail road, restrict said company to a less rate of interest than eight per cent per annum. Authorised to make loans.

SEC. 4. In case the company shall negotiate the loan herein authorised, the holders of stock shall never be required to pay a larger amount upon the stock subscribed, than will be sufficient to pay the interest on the amount borrowed, and the principal as the same may become due and payable: *Provided*, that five dollars shall be paid on each share subscribed as required by the act to which this is an amendment. Stockholders not to pay more than interest. Proviso

SEC. 5. The said corporation shall pay into the treasury of the county of Morgan, on the first Monday of January annually, after the election of directors, as provided by the act to which this is an amendment, one half per cent. upon the amount of stock, actually employed by said company, as a tax, which shall be in lieu of all taxes or assessments upon the stock and property of said company for state or county purposes. The stock employed by said company shall be considered the amount of money expended by the company for the uses and purposes herein authorised, which tax shall To pay percent on stock.

be paid over to the county school fund of said county, and shall be applied to the support of schools and for no other purpose, in the same manner and upon the same terms and conditions, as the county school fund of said county, is, or may be required to be applied.

When to commence and complete said road.

SEC. 6. If the said company shall not within twelve months from the passage of this act, commence the construction of said road, and within two years expend fifty thousand dollars, in the construction thereof, and within four years complete the same; the powers and privileges conferred by this act, shall cease, and become null and void.

Notice and books to be re-opened.

SEC. 7. As a condition upon which the powers and privileges conferred by this amended act are granted, it is hereby declared, that the commissioners appointed to receive the subscriptions of stock to said company, shall, after giving thirty days notice in all of the newspapers printed in Morgan county, re-open the books for the subscription to the stock of said company, at some convenient place in Jacksonville, and continue the same open for ten days, and receive subscriptions of stock from the inhabitants of said county of Morgan, not permitting any person, either directly or indirectly to subscribe for more than ten shares, during the said period of ten days, and in order more effectually to secure to the inhabitants of said county, the right to subscribe for the stock as herein provided, no person shall be permitted to subscribe for stock within said period, except upon making oath, that he, or she, is an inhabitant of said county, and that the subscription of stock desired to be made is, bona fide, for his or her own use, and not in trust, or for the use of any other person, which oath may be taken before a justice of the peace of said county, or either of said commissioners.

What real estate may be held.

SEC. 8. The said company shall not be authorised to purchase or hold any real estate, except such as may be required for the construction of the road, and the convenient use of the same, and such as may be necessary to obtain timber, and materials for the construction and maintenance of said road: and except also, such as may be taken for the payment of debts due, or purchased at sales under decrees or executions in favor of said company, and all real estate taken in payment of debts, or purchased under any execution or decree, as aforesaid, shall be sold within three years from the time of purchase, otherwise the same shall be forfeited to the state of Illinois.

President and treasurer to make affidavit of the capital employed.

SEC. 9. The president or treasurer of said company shall, on the first day of January annually, make an affidavit before the clerk of the county commissioners' court, or some justice of the peace of said county, to the amount of capital em-

ployed by said company, at the time of making such affidavit and the tax herein authorised, shall be assessed upon the amount stated in the affidavit.

APPROVED, Jan. 18, 1836.

*AN ACT to incorporate the Beardstown and Sangamon Canal Company.* In force, Dec. 28, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Company in-  
*represented in the General Assembly,* That Archibald Job, corporated.  
 Francis Arenz, Thomas Wilbourn and Benjamin Sutton, of  
 Morgan county; and John Taylor and Charles Bradwell,  
 of Sangamon county, and all such persons as shall become  
 stockholders, agreeably to the provisions of this act, are  
 hereby constituted a body corporate, by the name of the  
 "Beardstown and Sangamon Canal Company;" and shall  
 continue for the term of fifty years, from and after the pas-  
 sage of this act.

SEC. 2. The corporation shall have the right and power Nature and  
 to construct, and during its existence, to maintain and con- powers of the  
 tinue, a canal from Beardstown, on the Illinois river, to a incorporation.  
 point in township number nineteen north, of range number  
 seven west, on the Sangamon river; from thence to improve  
 the waters of said river, by canal or otherwise, through  
 Sangamon county, into Macon county, as shall or may be  
 agreed on by said company, to transport, take and carry,  
 persons and property on the same; to have, hold, use, and  
 enjoy the same, and the tolls and profits thereof, for and du-  
 ring the period aforesaid.

SEC. 3. The capital stock of said company shall be three Capital stock.  
 hundred thousand dollars, with liberty to increase the same,  
 from time to time, by new subscriptions, in such manner  
 and form as they shall think proper, if such increase shall  
 be deemed necessary by the company, to fulfil the intent of  
 this act;—which said capital stock shall be divided into  
 shares of one hundred dollars each, which shall be deemed  
 personal property, and transferable in such manner as the  
 said corporation shall direct.

SEC. 4. That Archibald Job, James Arenz, Thomas  
 Wilbourn, Thomas Beard, Benjamin Sutton, Allen F. Lind- Commissioners  
 sey, John Taylor and Charles Broadwell, are hereby appoint- to open books  
 ed commissioners, the duty of whom, or a majority of them, for subscription  
 shall be, within one year after the passage of this act, to for stock.  
 open books, at some suitable place in Beardstown, Spring-



field and Decatur to receive subscriptions to the capital stock of said corporation, and to do such other things as in their opinion is best calculated to get stock taken: thirty days public notice shall be given by said commissioners of the time and place of the opening of said books, in one or more of the public newspapers in each of the said places. The said commissioners shall receive no subscriptions, unless five dollars on each share subscribed, be paid at the time of subscription; and as soon as the whole of the stock, or twenty-five thousand dollars thereof, shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors; and such election shall then and there be made, by such stockholders as may attend, either in person or by proxy; and persons having the highest number of votes, shall be duly elected: each share of capital stock, owned ten days previous to an election, shall entitle the owner to one vote. The commissioners who receive subscriptions of stock, shall be inspectors of the first election, and shall certify under their hands and seals, the names of those elected directors, and deliver over the moneys, books and papers to said directors. The first meeting of the directors shall be held at Beardstown, within ten days after the election.

Directors, election of.

Books may be re-opened, if necessary.

SEC. 5. That in case the capital stock in whole, or twenty-five thousand dollars thereof, shall not have been subscribed, at the places named in the foregoing section, after the books have been kept open ten days, then the said commissioners shall be authorised to re-open said books for the subscription of stock, at such times and places, and in such manner, and after such notice, and under the direction of one or more, as a majority of them shall direct. And in case a greater amount of capital stock shall be subscribed for, than necessary for a construction of the whole, or such part of the canal as the directors shall designate, the excess shall be taken from each subscriber, in proportion to the amount subscribed.

Directors to choose a president.

SEC. 6. At the first meeting of the directors after an election, they shall choose one of their own body as president; and the directors first elected, shall continue in office until the first Monday in June, next after their election, and until others are chosen: and elections shall be held annually thereafter, on the first Monday in June, at such place as the directors shall designate. Each subsequent election shall be held under the direction of three stockholders, not being directors, who shall previously be appointed for that purpose, by the directors. All elections shall be by ballot. No person shall be a director, who shall not at the time of the election, own one hundred dollars of stock. In case

an equal number of votes shall at any time be given for two or more persons for director, those having a plurality of votes shall determine, by ballot, who shall be entitled to the office.

SEC. 7. In case it shall at any time happen, that no election shall be held for directors, at the time required by this act, the said corporation shall not thereby be dissolved; but the directors in office shall continue until successors are elected.

SEC. 8. The said directors shall cause such examinations and surveys to be made, as may be necessary to the selection by them, of the most advantageous line, course, or way for the said canal, from Beardstown to such point or place on the Sangamon river, as they shall designate, for the termination of the same; and shall locate the same on the most advantageous route; and after such location, shall make a map thereof, and certify under their hands and seals, upon such map, the courses and distances of the route selected, describing the land through which it passes, and file one copy of such map and certificate with the recorder of each county through which said canal is intended to pass: and the said company shall be authorised to construct and make the said canal on the route so located. To be surveyed

SEC. 9. The said corporation shall have power to purchase, receive and hold, such real estate as may be necessary and useful in the accomplishment of the objects of its creation; and shall be authorised to have and hold, any and all lands which may be given, granted or donated to the same, by the United States, or by any person, or body politic, and to sell and convey the same. It shall also be authorised to enter upon, and use any and all lands, over and upon which the said canal may pass, and so much of said land as may be necessary to the construction of the canal, and the convenient use and enjoyment of the same; also to take and use timber, stone, and such other materials as may be indispensable to the construction and maintenance of said canal; *Provided*, That said company shall pay to the owner or owners of land, entered upon and used as aforesaid, the damages sustained by such owner or owners; and also the owner or owners of timber, stone, and materials, the value thereof, before entering upon and taking the same. And if said company and owner or owners, shall be unable to agree upon the damages sustained by the entering upon and using land and real estate, or the value of timber, stone and materials, such damage, or the value of materials aforesaid, shall be ascertained under, and according to the provisions of the act, entitled "An act concerning the right of way, and for other purposes," approved 28th February, 1833. Purchase and hold real estate  
Proviso.

J. L. Pierce

May use the  
Sangamon river

SEC. 10. The said company shall be authorised to use the waters of the Sangamon river, to supply the canal, or otherwise; and to make such dams or locks as may be necessary to procure a sufficient quantity of water for the use of the canal, or otherwise; *Provided*, No dam or lock shall be constructed across said river, as to injure the navigation thereof; *And Provided, also*, That said company shall be responsible for all damages sustained by the overflowing of any lands, by the owner thereof; and also for all damages sustained by the making dams or locks upon the land of any person or persons, whatsoever. In case the said canal shall cross any water course, or public road, the same shall be so constructed as not to injure the use of such water course, or road.

Proviso.

Duties of presi-  
dent and direct-  
ors.

SEC. 11. The directors of said company shall have power to transact all the business of said corporation, and to this end may appoint such agents, clerks and servants, engineers, and other persons, as may be deemed necessary to attend to, and manage the business of the company. They shall also have power to prescribe all such rules, and to adopt all such bye-laws, touching the management and disposition of the stock, property, and estate of the company, and touching the conduct and duties of all persons employed by the company, as may be necessary, and not inconsistent with law. They shall also have power to require payment by the stockholders, of the stock subscribed, at such times, and in such proportions, as the same may be needed in the construction of the canal, or for any other purpose authorised by this act; and shall, from time to time, give public notice of the payments thus required, and of the time and place of payment, in some newspapers published in Morgan and Sangamon counties, Illinois, and such other papers as may be selected—such notices to be published at least four weeks previous to the day appointed for such payment. And the directors are authorised, in case any stockholder shall fail to make payment as required, to cause the stock of such stockholders to be sold at public auction, and apply the proceeds of such sale, to such payment, or to provide for the forfeiture of such stock to the company.

Payment of  
stock

Quorum.

SEC. 12. A majority of the board of directors shall constitute a quorum to do business; and shall have, and exercise all the powers conferred upon the company; *Provided*, That the directors may, by their bye-laws, require the presence of all the directors, on the transaction of such business, as the directors may think should require such presence. The said company is hereby declared able, and capable in law, to sue and be sued, to plead and be impleaded, in all courts of law, and in chancery; to contract and be contracted with, as fully and completely as a natural person.



SEC. 13. The state, or the counties through which the said canal shall pass, at any time after ten years shall have elapsed, from the completion of said canal, have the privilege of purchasing the same, by paying said company the original cost, together with any deficiencies which have accrued by a failure of said canal to produce twelve per cent. per annum, from the time of its completion, upon the original cost.

State, or counties through which canal passes, may purchase it.

SEC. 14. The canal to be constructed by said company, shall be of sufficient width and depth, to admit the passage of canal boats of the ordinary kind; and the company shall be responsible for all accidents and delays, occasioned by the negligence or inattendant of any of its agents. Said company shall also permit all persons to pass upon said canal with boats, persons and property, whenever the same is passable, upon payment of such tolls as may be fixed upon by the directors; *Provided*, That the tolls shall be uniform.

Dimensions.

SEC. 15. If any person or persons shall wilfully, or negligently, do or cause to be done, any act or acts whatsoever, whereby any building, construction, or work of the said corporation, or any boat or other things pertaining to the same, shall be weakened, impaired, or destroyed, every such person shall forfeit and pay to said corporation treble the amount of damages sustained, to be recovered by action of debt, in the name of said corporation, in any court, or before any justice of the peace, having jurisdiction thereof, with costs of suit; and such person or persons shall also be subject to indictment, and punishment by fine or imprisonment.

Obstructing said canal.

SEC. 16. Unless the said corporation shall commence the construction of said canal within three years from the passage of this act, and complete so much thereof as lies within the county of Morgan, within six years, the powers and privileges hereby conferred, shall cease, and the said corporation shall be dissolved.

When to be commenced and completed.

SEC. 17. The mode of suing said corporation, shall be by summons, and a copy of the summons delivered to the president of the board, the secretary, or treasurer, shall be sufficient service of process, to require the corporation to answer, and to authorise any court to proceed to judgment.

Mode of suing.

APPROVED, Dec. 28, 1835.

In force Jan.  
18. 1836.

*AN ACT to incorporate the Morgan County Mutual Fire Insurance Company, and for other purposes.*

Company in-  
corporated

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Ignatius R. Symes, James Dunlap, Carlton H. Perry, James McKinney, and John P. Wilkinson, and all other persons who may hereafter associate with them, in the manner hereinafter prescribed, shall be a corporation, by the name of the Morgan County Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture and merchandize, against loss or damage by fire.*

Persons to  
whom Insuran-  
ces granted  
members.

SEC. 2. Every person who shall at any time, become interested in said company, by insuring therein, and also his heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their policies, and no longer; and at all times shall be concluded and bound by the provisions of this act.

Directors

SEC. 3. The affairs of said company shall be managed by a board of directors, which shall consist of thirteen stockholders, as hereinafter provided. All vacancies happening in said board may be filled by the remaining members; and a majority of the whole number shall constitute a quorum for the transaction of business.

Quorum.

members to give  
note before he  
receives policy.

SEC. 4. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy deposite his promissory note for such sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of which note, shall be immediately paid, for the purpose of discharging the incidental expences of the institution, and the remainder of said note shall be payable, in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

Every member  
to bear equal  
share of loss

SEC. 5. Every member of said company shall pay his proportion of all losses or expenses, happening or accruing in and to said company; and all buildings insured by and with said company, together with all the right, title, and interest of the assured, to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance

of his policy. The said company shall cause a certificate of such policy, stating the date, term of years, and lien on said estate, in such form as shall be provided by the directors, to be recorded in the county recorder's office in the county where said land lies, or said lien shall not be construed to effect the right of a subsequent purchaser of said real estate.

SEC. 6. In case of any loss or damage by fire happening to any member upon property insured, in and with said company, the said member shall give notice thereof in writing to the directors, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company, in the circuit court of Morgan county, within one year from the happening of said loss or damage, and not afterwards, and if upon the trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, so determined upon by said directors, the said party shall become non-suit, and the said company shall recover their costs; but the judgment last mentioned shall in nowise affect the claim of said suffering party to the amount of loss or damage as determined upon by the directors aforesaid; and execution shall not issue on any judgment against said company until three months after the rendition thereof.

Where loss to members notice to be given.

SEC. 7. The directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company, for such loss or damage, settle and determine the same to be paid by the several members thereof, as their respective portions of such loss, and publish the same in such manner as they shall see fit, or as the bye-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any members for the space of thirty days after such notice, neglect or refuse to pay the sum assessed as his portion of any loss as aforesaid, in such

Loss to be paid by members respectively.

Refuse to pay.



case, the directors may sue for, and recover, the whole amount of his deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

If deposit in-  
sufficient.

SEC. 8. If the whole amount of the deposit notes shall be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company, shall receive, towards making good their respective losses a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, not exceeding one dollar on every hundred dollars by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire, at any one time, more than one dollar on each hundred dollars insured in said company, in addition to the amount of his deposit note or notes, nor more than that amount for any such loss, after his said note shall have been paid in and expended; but any member upon the payment of the whole of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Term of Insu-  
rance.

SEC. 9. The said company may make insurance for any term not exceeding ten years; and any policy of insurance issued by said company, and signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured and the incumbrances on the premises be expressed therein, and in the application therefor.

Buildings sold.

SEC. 10. When any house or other building shall be aliened by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender. But the alienee having the policy assigned to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, and giving proper security to the satisfaction of said directors, for such portion

of the deposite or premium note as shall remain unpaid, shall be entitled to all the rights and privileges, and subject to all the liabilities of the original party insured.

SEC. 11. If any alteration shall have been made in any house or building by the proprietor thereof, after insurance with said company, whereby it may be exposed to greater risk or hazard from fire than it was when insured, the insurance made upon such house or building, shall be void, unless an additional premium or deposite, after such alteration, be settled with and paid to the directors.

Alterations in buildings.

SEC. 12. William Brown, John Hardin, James Dunlap, John Wyatt, William Miller, Carlton H. Perry, Murray McConnell, Ignatius R. Syms, John P. Wilkinson, Bazaleel Gilbert, Cornelius Hook, David B. Ayres, and Porter Clay, shall be the first directors of said company, who may call the first meeting of the directors of said company, at any time and place at Jacksonville, in the county of Morgan aforesaid, by advertising in the newspaper printed at said town, giving at least fifteen days notice.

Directors,

SEC. 13. The business of said corporation shall be carried on in the said town of Jacksonville.

SEC. 14. At the next election for Senators and representatives, from the county of Morgan, it shall be the duty of the judges and clerks of election at the several places of voting, to open the necessary columns in the poll books, to receive votes for the additional senators allowed to said county by the act apportioning the representation, passed at the present session of the general assembly; and the voters in said county shall vote for one senator, and the additional senator, and the person having the highest number of votes for senator, shall be declared elected, and the person having the highest number of votes for additional senator, shall be declared elected; and the clerk of the commissioners' court in making the certificate of election, for the person elected as additional senator shall state the fact, that such person was elected as additional senator; and the same mode of proceeding shall be adopted at each subsequent election to supply the place of said additional senator.

Additional Senator and representative for Morgan county.

APPROVED, Jan. 18, 1836.

In force, Jan.  
13, 1836.

*AN ACT to incorporate the Shawneetown Insurance Company.*

Incorporation.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Henry Eddy, Alexander Kirkpatrick, James C. Sloo, Ephraim H. Gatewood, Moses M. Rawlings, Thomas Morris, Thomas L. Posey, John Marshall, Timothy Guard, Lee Hargrave, Parmenos Redman and W. H. Davidson, and their associates, successors and assigns, are hereby incorporated as a body corporate and politic, by the name and style of the "Shawneetown Insurance Company," to have continuance for and during the term of fifty years, from and after the passage of this act; and by such corporate name and style, shall be, for the time aforesaid, capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, pleas, causes, matters and demands, whatsoever, in as full and effectual a manner as any person or persons, bodies corporate and politic, may or can do; and may have a common seal, which they may alter or break at pleasure; and may purchase, hold, and convey, any real or personal estate, for the use of said company; Provided, That said company shall not, at any one time, hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.*

Proviso.

May insure  
property, &c.

SEC. 2. That said company shall have full power and lawful authority, to insure all kinds of property against loss or damages by fire, or any other cause or risk; to make all kinds of insurance against loss and damage on goods, merchandise, and produce in the course of transportation, or otherwise, whether by land or water; and any vessels or boats, wherever they may be: also, to make all kinds of insurance on life or lives; to loan any part of their capital stock on respondentia or bottomry, or on mortgages of real estate, or personal security, and receive such premiums or interest on such loans or mortgages, therefor, as is provided in this act. Said company may cause themselves to be insured against any loss or risk they may have incurred, in the course of their business; and against any maritime or other risk, upon the interest they may have in any vessel, boat, goods, merchandise, or other property, by means of any loan or loans which they may have made on respondentia or bottomry; and generally to do and perform all other necessary matters and things, connected with, and proper to promote the objects of this incorporation; *Provided, That when said company shall loan on mortgage of real estate, any portion of their capital stock, they shall not be author*

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ised to charge a higher rate of interest therefor, than ten per cent. (10 per ct.) per annum.

SEC. 3. The capital stock of said company, exclusive of premiums, notes, and profits arising from business, shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, fifty per centum of which shall be paid in money, within six months after the directors of said company shall have been chosen; and the residue in money, to be paid, twenty-five per centum thereof, in twelve months, and twenty-five per centum in eighteen months, from and after said first meeting, under such penalties as the president and directors may, in their discretion, order and appoint. Capital stock.

SEC. 4. The capital stock of said company may hereafter be increased to an amount not exceeding five hundred thousand dollars, should a majority of the stockholders deem it advisable, and the additional stock so subscribed, and fifty per centum thereof, paid in within six months after the said capital stock shall have been so increased. The stock of said company shall be deemed personal property, and assignable and transferable on the books of the incorporation: but no stockholder indebted to the corporation shall be permitted to make a transfer, until such debt be paid, or secured to the satisfaction of the directors. May be increased.  
Stock deemed personal property.

SEC. 5. That Henry Eddy, James C. Sloo, Ephraim H. Gatewood, Alexander Kirkpatrick and William A. Docker, are hereby appointed commissioners to receive subscriptions to the capital stock of said company. Said commissioners, or a majority of them, shall open one or more subscription books for said stock, on such days, and at such places, as they may deem proper, and keep the same open until the whole of the said capital stock shall be subscribed, giving at least twenty days notice of the time and place where such subscription books will be opened. The sum of one dollar shall be paid to said commissioners on each share that may be subscribed; and whenever the whole amount of the capital stock shall be subscribed, said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving public notice in some newspaper published in this state, of at least fifteen days, for the purpose of choosing a board of directors, in pursuance of this act, which meeting shall be held in the town of Shawneetown. And so soon as a board of directors shall be chosen and organized, said commissioners shall deliver the subscription books, and the whole amount they may have received on such subscriptions, to the board of directors. Commissioners appointed to receive subscriptions.  
Payment of stock.

SEC. 6. The stock, property, and all the transactions and business of said company, shall be conducted by nine

Election of directors.

directors, who shall be chosen by the stockholders, by ballot, and shall, at the time of their election, and during the time they shall hold the office of directors, be citizens of this state, and holders, respectively, of not less than ten shares of the capital stock of said company. Said directors shall hold their offices for one year from their election, and until their successors shall be elected and qualified: they shall elect one of their own body president; and in case of the death or resignation of any of the said board of directors, whereby a vacancy shall occur, it shall be lawful for a majority of the surviving or remaining directors, to call a meeting of the stockholders to fill such vacancy.

Quorum

Powers delegated to Directors

SEC. 7. The president and four of the directors, or five of the directors in the absence of the president, shall be a board competent to the transaction of business; and shall have power to make such rules, regulation, and bye-laws, as to them may seem proper, touching the management and disposition of the property, stock, and effects of said company, and the transfer of stock; and touching the duties of the several officers and clerks employed by them; and the election of directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a secretary, and to regulate the salaries and wages of all persons in their employ; *Provided*, Such bye-laws and rules are not repugnant to the constitution and laws of this state, or of the United States.

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Directors to make dividends

SEC. 8. It shall be the duty of the directors of said company, at such times as the bye-laws thereof shall prescribe, to make dividends of the profits and interest accruing from the business of said company, as to them shall seem meet and proper, and shall lay before the stockholders a particular statement of the profits, if any there be, after deducting losses and dividends; and also all such other information relative to the affairs of said company, whenever a majority of the stockholders shall require it. And said corporation shall not take any risk, nor subscribe any policy, by virtue of this act, until one moiety of the capital stock of said company shall have been actually paid in.

Restriction.

SEC. 9. Said company shall not, directly nor indirectly, deal or trade in buying or selling any goods, wares, merchandise, or commodities whatever: and the capital stock of said company, collected at each instalment, shall, within six months thereafter, be invested either in real estate, or loaned and secured by mortgage of real estate, or on personal security, in this state, at such rates of interest as are lawful for individuals to charge in this state; *Provided*, That it shall not be lawful for any body corporate, bank, or company without the limits of this state, to hold any portion of

Proviso.

the capital stock of said company; nor shall any body corporate, bank, or company in this state, holding stock of said company, be entitled to vote at any election, for directors of said company.

SEC. 10. That in case of any loss or losses taking place, <sup>Liabilities</sup> which shall be equal to the amount of the capital stock of said company, and the president and directors after knowing of such loss or losses having taken place, shall subscribe to pay any policy of insurance, their estates jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of the stockholders aforesaid, shall be liable to any losses equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in, or profits not divided.

APPROVED, Jan. 13, 1836.

*AN ACT to incorporate the Quincy Insurance Company.*

In force, Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* <sup>Company in-</sup> *represented in the General Assembly, That Samuel W. Rogers,* <sup>corporated.</sup> Joseph T. Holmes, Edward L. Pearson, Robert Tillson, Francis C. Moore, Henry B. Berry, and James H. Ralston, and their associates, successors, and assigns, are hereby incorporated as a body corporate and politic, by the name and style of the "Quincy Insurance Company;" to have continuance for, and during the term of twenty years, from and after the passage of this act; and by such corporate name <sup>Corporation,</sup> and style, shall be, for the time aforesaid, capable in law or <sup>powers of.</sup> equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, pleas, causes, matters and demands whatsoever, in as full and effectual a manner, as any person or persons, bodies corporate and politic, may or can do; and may have a common seal, which they may alter or break at pleasure; and may purchase, hold, and convey, any real or personal estate for the use of said company; *Provided,* that said company shall not, at any one time, hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 2. That said company shall have full power and law- <sup>Nature of.</sup> ful authority to insure all kinds of property against loss or



damage by fire, or any other cause or risk, to make all kinds of insurance against loss and damage on goods, merchandize, and produce, in the course of transportation, or otherwise; whether by land or water, and any vessels or boats, wherever they may be; to loan any part of their capital stock on respondentia or bottomry, or on mortgages of real estate, and receive such premium or interest therefor, as is provided in this act. Said company may cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest they may have in any vessel, boat, goods, merchandise, or other property, by means of any loan or loans, which they may have on respondentia or bottomry; and generally to do and perform all other necessary matters and things, connected with, and proper to promote the objects of this incorporation: *Provided*, that where said company shall loan on mortgage of real estate any portion of their capital stock, they shall not be authorised to charge a higher rate of interest therefor than ten per cent., (10 per cent) per annum.

Capital Stock.

SEC. 3. The capital stock of said company, exclusive of premiums, notes and profits, arising from business, shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, fifty per centum of which shall be paid in money within six months, after the directors of said company shall have been chosen, and the residue in money, to be paid twenty-five per cent thereof in twelve months, and twenty-five per centum in eighteen months, from and after said first meeting; under such penalties as the president and directors may, in their discretion, order and appoint.

Capital stock  
may be increased.

SEC. 4. The capital stock of said company may hereafter be increased, to an amount not exceeding two hundred thousand dollars, should a majority of the stockholders deem it advisable; and the additional stock so subscribed, and fifty per centum thereof paid in within six months after the said capital stock shall have been so increased. The stock of said company shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder indebted to the corporation, shall be permitted to make a transfer, until such debt be paid or secured, to the satisfaction of the directors.

Commissioners  
appointed to re-  
ceive subscrip-  
tions.

SEC. 5. That Samuel W. Rodgers, Joseph T. Holmes, Robert Tillson, Edward L. Pearson, Francis C. Moore, Henry B. Berry, and James H. Ralston, are hereby appointed commissioners to receive subscriptions to the capital stock of said company. Said commissioners or a majority of them, shall open one or more subscription books for said stock, on such days, and at such places, as they may deem

proper, and keep the same open until the whole of the capital stock of said company shall have been subscribed, giving at least twenty days notice, of the time and place when such subscription books will be opened. The sum of one dollar shall be paid to said commissioners, on each share that may be subscribed; and whenever the whole amount of the capital stock shall be subscribed, said commissioners or a majority of them, shall call a meeting of the stockholders, by giving public notice, in some newspaper published in this state, of at least fifteen days, for the purpose of choosing a board of directors, in pursuance of this act; which meeting shall be held in the town of Quincy; and so soon as a board of directors shall be chosen and organized, said commissioners shall deliver the subscription books, and the whole amount they may have received on such subscription to the said board of directors.

SEC. 6. The stock, property, and all the transactions, and business of said company, shall be conducted by nine directors, who shall be chosen by the stockholders by ballot; and shall, at the time of their election, and during the time they shall hold the office of directors, be citizens of this state, and holders, respectively, of not less than ten shares of the capital stock of said company. Said directors shall hold their office for one year from their election, and until their successors are elected and qualified. They shall elect one of their own body president, and in case of the death, or resignation of any of the said board of directors, whereby a vacancy shall occur, it shall be lawful for a majority of the surviving or remaining directors to call a meeting of the stockholders to fill such vacancy.

Directors, when elected.

Term of service of directors.

SEC. 7. The president and four of the directors, or five of the directors in the absence of the president, shall be a board competent to the transaction of business; and shall have power to make such rules, regulations, and bye-laws, as to them seems proper; touching the management, and disposition of the property, stock and effects of said company, and the transfer of stock, and touching the duties of the several officers and clerks employed by them, and the election of directors, and all such matters as appertain to the business of insurance; and shall also, have power to appoint a secretary, and to regulate the salaries and wages of all persons in their employ: *Provided*, such bye-laws, and rules are not repugnant to the laws and constitution of this state, or of the United States.

May make bye-laws.

Proviso.

SEC. 8. It shall be the duty of the directors of said company, at such times as the bye-laws thereof shall prescribe, to make dividends of the profits and interest accruing from the business of said company, as to them shall seem meet and

Duty of directors.

proper, and shall lay before the stockholders a particular statement of the profits, if any there be, after deducting losses and dividends, and also, all such other information relative to the affairs of said company, whenever a majority of the stockholders shall require it; and said company shall not take any risk, nor subscribe any policy by virtue of this act, until one moiety of the capital stock of said company shall have been paid in.

Prohibited  
from dealing in  
merchandise.

Proviso

SEC. 9. Said company shall not, directly or indirectly, deal, or trade, in buying or selling any goods, wares, merchandise, or commodities whatever, and the capital stock of said company collected at each instalment, shall, within six months thereafter, be invested either in real estate, or loaned or secured by mortgage, of real estate in this state, at such rates of interest as are lawful for individuals to charge in this state: *Provided*, That it shall not be lawful for any body corporate, bank, or company, within the limits of this state, to hold any portion of the capital stock of said company, nor shall any body corporate, bank, or company, in this state holding stock of said company, be entitled to vote at any election for directors of said company.

Individual es-  
tate of the com-  
pany liable for  
all losses over  
the amount of  
capital stock.

SEC. 10. That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of said company, and the president and directors, after knowing of such loss or losses, having taken place, shall subscribe to pay any policy of insurance, their estates, jointly and severally, shall be accountable for any and every loss which shall take place under policies so subscribed; and the estates of the stockholders, as aforesaid, shall be liable to any losses equal to the amount of said capital stock subscribed and not actually paid in, in all cases of losses exceeding the means of said company, whether they consist of stock paid in, or profits not divided.

APPROVED, Jan. 15, 1836.

In force 18th  
Jan. 1836.

Preamble.

*AN ACT to incorporate the Chicago Hydraulic Company.*

WHEREAS, The health and convenience of the inhabitants of the town of Chicago, in the county of Cook, as well as the security of property against the ravages of fire, would be greatly promoted by the introduction of a plentiful supply of pure and wholesome water in said town; Therefore,

SEC. 1. *Be it enacted by the people of the State of Illinois,*



represented in the General Assembly, That James B. Campbell, Gholson Kercheval, Robert A. Kinzie, Richard I. Hamilton, Henry G. Hubbard, David Hunter, Peter Cohen, Ed. W. Casey, Gurdon S. Hubbard, G. W. Dole, John H. Kinzie, William Forsythe and Solomon Wills, and their heirs and assigns, be, and they hereby are constituted a body politic and corporate, under the style and title of the "Chicago Hydraulic Company," with the sole power to them and their successors, by their corporate name, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this state; and to make, have, and use a common seal, and the same break, alter or renew at their pleasure; and to take, and hold such property, real, personal, or mixed, as may be necessary to carry into effect the object of said company or incorporation; and the same to sell, exchange, or otherwise dispose of; and also to ordain, establish, and put in execution, such bye-laws, ordinances and regulations, as may be necessary, proper or convenient, for the government of said incorporation, not contrary to law or the constitution.

SEC. 2. The capital stock of said company shall not exceed two hundred thousand dollars. Company in-  
corporated.

SEC. 3. The charter of incorporation shall be and continue in force for and during the term of seventy years, from and after the passage of this act; *Provided*, That the said company shall, within four years from this date, commence the construction of the necessary works, for the introduction into said town, of the water of lake Michigan. Capital Stock  
In force 70 yr's  
Proviso.

SEC. 4. The said company, for the more effectually completing the object of said corporation, shall have power and authority, to build and construct fountains, reservoirs, and other necessary works; to make and lay conduits, pipes, or tunnels, for the conveyance of said water, under and along the public highways, streets, lanes, alleys and sidewalks, or any of them, in said town of Chicago; to put up fire plugs, or hydrants, at such places as they may deem convenient for public use, and the same from time to time to renew and repair—leaving at all times, during the progress of said work, one-half of said streets or alleys unobstructed; and immediately after the laying of said pipes or conduits, restore the street or alley through which the same may pass, or which has been dug up or opened, to its former condition. And further, said company shall have the sole privilege to grant to all persons, whomsoever—to all bodies corporate and politic, the privilege of using said water, so introduced, as aforesaid, in such manner, and upon such terms and conditions, and in such quantities, respectively, as they shall think fit. Powers defined

Persons polluting water, injuring works, &c.

SEC. 5. If any person or persons, shall wilfully pollute said water, by throwing in, or depositing in any pipe, tunnel, hydrant, reservoir or fountain, conducting or containing the same, any impure, unwholesome, or offensive substance; or by bathing, or washing clothes in said reservoir; or shall injure any of the works, or machinery, used in raising, containing, forcing or conducting said water, the person or persons so offending, shall be liable to a fine of not exceeding one hundred dollars, to the use of said company, for each and every offence, recoverable before any court of competent jurisdiction; and shall also be compelled to remove all nuisances, by him or them created as aforesaid, forthwith, under the further penalty of ten dollars for every twenty-four hours said nuisances shall continue, to the use of said company aforesaid; *Provided*, That said fines and penalties shall not prevent said company from recovering damages in a civil suit, for any injury done to said works.

Proviso.

Election of officers.

SEC. 6. The officers of said company shall consist of a president and four directors, who shall be annually chosen from among the members of the company, at the time such election may be held, and in such manner as they may ordain and direct. The first election therefor shall take place at such time as the members, or a majority of them, may deem expedient—each member at said first election, having one vote: and in case of the death, or resignation of the president, or either of one or more of the directors, then the vacancy shall be filled by the board.

To appoint officers, agents.

SEC. 7. The directors, or a majority of them, shall have full power to appoint and employ, and in their discretion to remove or dismiss a secretary, treasurer, and all such other officers, clerks, agents, mechanics, laborers and servants, as they shall deem necessary from time to time, to attend to, and transact, or execute, all the affairs and business of the company, and fix their compensation; to contract, agree for, and purchase, rent or hire, all such lands, chattels, materials, rights, privileges and effects whatever, and to sell, or otherwise dispose of the same, in their discretion; to divide the capital stock into shares among the members of said company, and to call for such instalments on each share, as the board of directors may deem necessary for the interests of the company: and in case of a failure on the part of any of the members of said company, or their assignee or assignees, to pay said instalments when required, or within thirty days thereafter, all the interest they may have or possess in said company, shall be forfeited to the members thereof; *Provided*, That six weeks notice either in writing, of such call, shall be given, or in some one of the newspapers printed in Chicago.

Stock divided into shares.

Proviso.

APPROVED, Jan. 18, 1836.

*AN ACT to incorporate the Alton, Jacksonville and Galena Turnpike Road Company.* In force, Jan. 14, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Company in-  
*represented in the General Assembly,* That Winthrop S. corporated  
 Gilman, J. P. Wilkinson, Nathaniel Buckmaster, Lewis W.  
 Link, James Rino, John Baiston, James Arens, Thomas  
 Wilburn, George Rearick, Hart Fellows, Adam Dunlap,  
 Mathias C. Comstock, Cyrus Walker and Daniel McNeil,  
 and such other persons who may associate with them for  
 that purpose, be, and are hereby constituted a body corpo-  
 rate, by the name of the "Alton, Jacksonville, and Galena  
 Rail Road Company," for the purpose of constructing a rail  
 road, turnpike or any part thereof, from Alton in Madison  
 county, by the way of Jerseyville, Carrolton and White Hall  
 in Green county, Manchester, Jacksonville and Beardstown  
 in Morgan county, and Rushville in Schuyler county, Ma-  
 comb in McDonough county, and Monmouth in Warren  
 county, to Galena in Jo Daviess county; to transport, take  
 and carry property and persons upon the same by the pow-  
 er and force of steam, of animals, or of any mechanical, or  
 other power, or of any combination of them which the said  
 corporation may choose to employ, and by that name they  
 and their successors shall be, and hereby are vested with the  
 right and privilege of constructing and using the said road  
 for the purpose aforesaid from, and to the points comprised  
 within the limits before mentioned, and may have succes-  
 sion, and shall be persons in law, capable of contracting, and  
 being contracted with, suing and being sued, pleading and Powers granted  
 being impleaded, in all courts of law and equity, and in all  
 manner of actions, and that they and their successors may  
 have a common seal, and may change and alter the same at  
 their pleasure.

SEC. 2. That if the corporation hereby created, shall not Commence-  
 within ten years from the passage of this act, construct and ment.  
 finish, and put in operation the said road, or one fourth part  
 thereof, then the said corporation shall thenceforth, and  
 forever cease, and this act shall be null and void.

SEC. 3. The capital stock of said company, shall be one Capital stock  
 million of dollars, with liberty to increase the same from  
 time to time by new subscriptions, in such manner and form  
 as they shall think proper, if such increase shall be found  
 necessary to fulfil the intent of this act: which said capital  
 stock shall be divided into shares of one hundred dollars  
 each, which shall be deemed personal property, and trans-  
 ferable in such manner as the said corporation shall by law  
 direct.

SEC. 4. That Lewis W. Link, Charles D. Hodges, Na-



Commissioners  
to open books,  
and receive  
subscriptions.

thaniel Buckmaster, Winthrop S. Gilman, George Rearick, Francis Arens, Hart Fellows, Adam Dunlap, and Samuel Smoker, shall be commissioners, the duty of whom, or a majority of them, shall be at some suitable place in the cities of New York, Philadelphia, Baltimore, and St. Louis, and in the towns of Alton, Carrollton, Jacksonville, Rushville and Galena, to open books to receive subscriptions to the capital stock of said corporation, and to do such other things as, in their opinion is best calculated to get said stock taken up; sixty days public notice shall be given by said commissioners of the time and place of the opening of said books, in one of the public newspapers in each of the said places. The commissioners shall receive no subscriptions, unless at least one dollar on each share subscribed, be paid at the time of subscription, and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose five directors, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling each stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those duly elected, and deliver over the subscription books and all money by them received on account of subscriptions, to the said directors, and the time and place of holding the first meeting of the directors, shall be fixed by the said commissioners, and the directors to be chosen at such meeting, or at such annual elections, shall, as soon as may be, after every election, choose out of their own number, one president, and one other person to be vice president, and in case of the death, resignation or removal of the president or vice president, or of any director, such vacancies may be filled for the remainder of the year, whenever they may happen, by the board of directors, and in case of the absence of the president and vice president, the board of directors shall have power to appoint a president pro tempore, who shall have, and exercise such power and functions, as the bye-laws of the corporation may provide.

Election

Duties of directors.

SEC. 5. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times and in such proportions, and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the time and place, when and where the same are to be paid, at least ninety days previous to the payment of the same, in some public newspaper of this state, and in the several cities, where the books of the com-

pany may have been opened for subscription to the capital stock.

SEC. 6. That in case it should at any time happen that an election of directors shall not be made on any day, on which pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but such election may be held at any other time directed by the bye-laws of said corporation.

SEC. 7. That five of the directors of said corporation shall form a board, and they or a majority of them shall be competent to transact all the business of the said corporation and they shall have full power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper; touching the management and disposition of the stock, property, estate and effects of said corporation the transfer of shares; and touching the duties and conduct of their officers and servants and the electing of directors and all other matters whatsoever, which may appertain to the concerns of said corporation: and also shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet; and to establish and fix such salaries and allowances to them, and also to the president and vice president as to the said board shall seem proper. Directors, powers of.

SEC. 8. That the said corporation be, and they are hereby authorised by their agents, surveyors and engineers, to cause such examinations and surveys to be made, of the ground lying within the aforesaid limits prescribed by the first section of this act, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct their said road; and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate, as may be indispensable for the construction and maintainance of said road, and the accommodations requisite, and appertaining to them, and may also hold and take all such voluntary grants, and donations of land and real estate as shall be made to the said corporation: to aid in the construction, maintainance and accommodation of their said road: *Provided*, that all lands or real estate thus entered and taken possession of, and used by said corporation, and which are not donations, shall be purchased by said corporation, of the owner or owners of the same, at a price to be mutually agreed upon between them, and in case of disagreement as to price, it shall be the duty of the governor of this state, upon a notice given to him by the said corporation to appoint three commissioners who shall be persons not interested in the matter to be determined by them, to determine the damages which the owner or owners of the land so entered upon by the said To be surveyed

*Proviso*

*Governor to appoint Commissioners to ascertain damages.*

corporation, has or have sustained by the occupation of the same, and upon payment of such damages together with the costs and charges attending the appraisal by the said corporation, the said commissioners being allowed three dollars per day whilst thus employed; or upon the said corporation depositing in the treasury of the state the amount of such damages, together with the cost and charges aforesaid, to the credit of the person or persons to whom the commissioners may have awarded them, the proper officers of such treasury giving notice to such person or persons by letter, of such deposit being made by the said corporation, then the said corporation shall be deemed to be seized and possessed, of the fee simple of all such lands or real estate, as shall have been appraised by the said commissioners, or a majority of them, to deliver to the said corporation a written statement of the award or awards, they shall make with a description of the land or real estate appraised, to be recorded by said corporation in the clerk's office of the county, in which the land or real estate may be, that in case any owner or owners of land or real estate so appraised, shall be feme covert, under age, non compos mentis, or out of this state, then and in such case, the said corporation shall pay the amount which shall have been awarded, as due to the said last mentioned owners respectively, whenever the same shall be lawfully demanded, together with interest at the rate of six per cent. per annum.

Powers of.

SEC. 9. That the said corporation be, and they are hereby authorised, to construct and use a road of suitable width and dimensions to be determined by the said corporation, within the limits prescribed by the first section of this act, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner in which they shall collect all tolls and dues on account of transportation and carriage; *Provided*, the same shall not amount to more than twelve per cent. upon the capital stock paid in; and shall have power to erect and maintain toll houses and other buildings, for the accommodation of their concerns, as they may deem suitable to their interest and to collect tolls as soon as any part thereof shall be finished.

Proviso

Powers.

SEC. 10. That the president and directors of said company (if it shall be so decided by a full majority of all the stockholders therein, voting as above provided) shall cause to be constructed, a double, or single, rail road or way, along the same route, or a turnpike road in lieu of the rail road hereby provided to be made with the same powers, rights, immunities, and privileges, and subject to the same laws, rules, regulations and responsibilities, in reference to



all the powers vested in them, as are above provided for making said rail road, and enjoying the benefits resulting therefrom.

SEC. 11. That whenever it shall be necessary for the construction of their turnpike or rail road, to intersect or cross any water course, or any road or highway, lying between the points aforesaid, it shall be lawful for the corporation to construct their turnpike or rail road, across or upon the same; *Provided*, that the corporation shall restore the water course or road, or highway thus intersected, to its former state, or in a sufficient manner, not to have impaired its usefulness.

Road to intersect, or cross water course or highway.

SEC. 12. That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby any buildings, construction or work of the said corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court of record in this state, or before any justice of the peace in the counties where such injury may have accrued, and the person or persons so offending, shall be deemed guilty of a misdemeanor, and liable to fine and imprisonment.

Obstructing s'd road

SEC. 13. That when the said turnpike or rail road shall be completed, the president and directors shall make out a minute, full, and detailed statement of the expenses of constructing the same, which report shall be under oath of the president and directors, and shall be filed in the secretary's office of this state, and from thenceforth shall annually make a report in detail, of their proceedings and expenditures, and of all tolls received on said turnpike road, verified by affidavit, and file the same in the office of the Secretary of State.

Account of expenses to be made out, and filed in Secretary's office

SEC. 14. That this act shall be deemed a public act, and shall be benignly and favourably construed, for the purposes therein expressed and declared, in all courts, and places whatsoever.

A public act.

APPROVED, Jan. 14, 1836.

In force 13th  
Jan. 1836.

*AN ACT to incorporate the Wabash and Mississippi  
Turnpike Company.*

**INCORPORATION.** SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That James M. McLean, Abner Greer, and James Nabb of Lawrence county; John Occletree, Peter Green and William H. Hanes of Clay county; Benjamin Vermilion, Mark Tully and Rufus Ricker of Marion county; John M. Webster, John Scott, and Thomas Bond of Clinton county; James Riffin, Wm. W. Roman and John Starkey of the county of St. Clair, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "The President and Directors of the Wabash and Mississippi Turnpike Company," shall be able and capable in law and equity to defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able in law to make contracts, and enforce the same, and to make and enforce the necessary bye-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.*

**SUE AND BE SUED.**  
**HAVE A COMMON SEAL.**  
**BYE-LAWS, RULES & REGULATIONS.**

**CAPITAL STOCK OF SAID COMPANY.** SEC. 2. *The capital stock of said corporation, shall be five hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.*

**TIME & PLACE TO MEET.** SEC. 3. *The directors in this act named, or a majority of them, shall meet at such time and places as they may agree on, and organize said corporation, by electing one of their own body to be President; and after such organization, any three of said board, shall be a quorum to do business; but after an election for directors, it shall require five to form a quorum.*

**OFFICERS AND AGENTS.** SEC. 4. *The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists and all other officers, and persons necessary to carry into effect this act; they shall keep a journal of all their proceedings in which shall be entered all bye-laws, rules and regulations, and all orders for the payment of such allowances, as may be made to their offices, and all others in their employment, which Journal shall from time to time be read, corrected and signed by the president. They may sit on their own adjournment, or on the call of the president. When the president is absent, they may*

**JOURNAL.**

appoint a President pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and such place or places as they may choose; one notice of which shall be given in some public newspaper in this state; in each of which books, the following entry shall be made: "We the undersigned, promise to pay the sum of Books for subscription; when opened, dollars for each share of stock set opposite Entry to be made, our names, in such manner and proportions, and at such times as the President and Directors of the Wabash and Mississippi Turnpike Company may direct. Witness our hands this            day of

SEC. 6. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, to subscribe for any amount of the capital stock, and the said corporation may by an agent, offer for sale in every other state any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books, and any further payments on the stock shall be under the control of the corporation. Persons competent to subscribe for stock Power to borrow money;

SEC. 7. As soon as five hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof in some newspaper in this state, and in such notice appoint a time and place for the stockholders to meet and elect eleven directors, who shall be stockholders and citizens of this state, and which election shall be by ballot, conducted under the superintendence of one inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes for directors, shall be declared duly elected; no share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election. In all elections each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee or guardian or by the agent of any corporation, or any person having a right to, may vote by proxy. Elections by ballot.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient and elect one of their body to be president. The president and directors Duties of said Directors.



thus elected, shall continue in office until the next annual election and until their successors are elected and qualified.

Times of holding elections.

SEC. 9. All elections after the first, shall be held on the first Monday in January annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

Transfer of stock.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, by an agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

Delegated powers.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty five per centum, every six months as they may think proper, to be paid at such times and places as they may designate by giving sixty days notice in some newspaper of this state, or by giving written notices to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for in any court of competent jurisdiction, and recover the amount with two per centum interest thereon per month, and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may by an order on their books declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors or receive any dividend on his, her or their stock until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper for the faithful performance of their duties.

Officers giving bonds.

SEC. 12. The corporation by their agents, shall have power from time to time, to examine, survey, mark and locate the road for a turnpike road, from a point on the Wabash river opposite Vincennes in the state of Indiana, thence to Lawrenceville in Lawrence county; thence to

Maysville in Clay county; thence to Salem in Marion county; thence to Carlyle in Clinton county; thence to Belleville in St. Clair county; and thence to a point on the Mississippi river opposite the city of St. Louis in Missouri; with full power to diverge from a direct line between the points named, where more favorable ground can be had for the construction of said road, the same to be not more than sixty feet in width. It is further provided that the said road Further proviso be divided into four sections as follows, to wit: all that part of said road from the Wabash to Lawrenceville, shall be taken and considered the first section; that part from Lawrenceville to Maysville to be taken and considered the second section; that part from Maysville to Carlyle to be taken and considered the third section; and that part from Carlyle to St. Louis, to be taken and considered as the fourth section of said road. And the said corporation shall have full power and authority to open books for the subscription of stock for the entire construction of said road its whole length; or the said corporation may open books for the subscription of stock to be subscribed for the constructing and completing the first, second, third and fourth sections of said road as the case may be, beginning with the first divisional section, as the said corporation may deem most advisable under the regulations and provisions of this act.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation by Corporation enter upon land their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, or other materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose lands the same may pass, a relinquishment of so much of said land as Relinquishment of land for taxes. Materials. may be necessary for the construction of said road; as also the stone, gravel, timber, and other materials that may be obtained on said route; and may contract for stone, gravel, timber and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants or bequests, lands, money, labor, property, stone, gravel, wood Powers of said company. or other materials for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants or bequests, made and entered into, in writing by any person or persons able in law to contract, made in consid-

ration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be made in writing by the party making the same.

Proviso,

When no agreement for lands, how to proceed,

SEC. 15. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstances occur or may exist, and such justice shall thereupon summon the owner of said land to appear before him upon a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration, the advantages as well as disadvantages the road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much, and shall file said report with said justice; whereupon, said justice shall enter judgment thereon unless for good cause shown; and in case either party shall shew sufficient cause why judgment shall not be entered, the justice may grant a review of the premises either with or without costs: *Provided* either party may at any time after the rendition of judgment, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

Minors and insane persons,

SEC. 16. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such land may be, such justices shall cause three notices of the application made, and of the day fixed for the appointment of viewers to be posted up in three of the most public places in the county, and if no person should appear on the day named in said notices, such justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages or both according to the award against them the corporation shall be seized of the land or materials; costs shall be allowed or awarded against either party at the discretion of the justice.



SEC. 17. If it shall be found necessary to the construction and location of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however,* Before such location is made the corporation shall apply to the county commissioners in their respective counties through which the said road will run, for said right; and the said county commissioners are hereby vested with power to grant to said corporation such right, and shall enter the same on the records of said county or counties, as the case may be.

Powers of  
corporation.  
Proviso

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid; and no person, body politic or corporate, shall in any way interfere with, molest, injure or disturb any of the rights and privileges hereby granted.

Corporation  
seized in fee  
simple.

SEC. 19. The corporation shall commence the construction of said road within five years, and complete the same within twenty years from its commencement: *Provided,* That if any one of the sections of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of said road so completed, although the residue of said road may not have been completed within the time aforesaid.

Commencement.  
Proviso.

SEC. 20. The corporation shall cause said road to be opened not exceeding sixty feet wide, at least twenty feet of which shall be made an artificial road composed of stone, gravel or other suitable materials, well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair; and in no case shall the ascent in the road be greater than an elevation of five degrees.

Width of road.

SEC. 21. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the secretary of state; and after that time it shall not be lawful for said corporation to alter or change any part thereof unless said corporation pay the owner or owners of land on said route the amount of damages they may sustain by such change.

Plats to be  
filed.

SEC. 22. That if said road after its completion or any section thereof shall be suffered to go to decay or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

Forfeited if not  
kept in repair.

SEC. 23. As soon as the said corporation shall have completed the road as aforesaid, or any section thereof, or ten

Agent to examine road.	miles of any section, beginning at the Wabash opposite Vincennes, and so on from time to time as often as ten continuous miles of said road shall be completed, an agent shall be appointed by the Governor, if not otherwise directed by the legislature, who shall on the application of the corporation examine the same, and report his opinion in writing to the corporation; and if such report shall state the road or any ten continuous miles of the same to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart not less than ten miles, and demand and receive of persons traveling said road the tolls allowed by this act:
Houses and toll gates, &c.	<i>Provided</i> , That whenever that portion of the said turnpike road, as lies between the Wabash river and Lawrenceville, shall be completed, the said company may erect toll-gates, and demand and receive tolls for travel thereupon, at the rates herein allowed pro rata, should the distance between said points be less than ten miles.
Proviso	SEC. 24. The following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, eighteen and three fourth cents; for every horse or other animal in addition, six and one fourth cents; for every cart, chaise or other two wheeled carriage or vehicle, drawn by one horse or other animal, twelve and a half cents; for every horse or other animal in addition, six and a fourth cents; for every sled or sleigh, drawn by one horse or other animal, twelve and a half cents; for every horse or other animal in addition, six and a fourth cents; for every coach, chariot, or other four wheel pleasure carriage drawn by one horse, twenty five cents; for every additional horse, twelve and a half cents; for every horse and rider, six and a fourth cents; for every horse, mule or ass, six months old or upwards, led or driven three cents; for every head of neat cattle, six months old and upwards, one cent: <i>Provided</i> , That all persons going to and returning from public worship, and all militia men going to and returning from musters, and all funeral processions shall pass said road free of toll: <i>Provided also</i> , That the legislature may at any time after the expiration of ten years from the time of the completion of said road or any section thereof, make any reasonable alteration in the rates of toll aforesaid.
Rates of toll.	
Proviso.	
Fraud.	SEC. 25. If any person or persons using said road shall, with intent to defraud said company or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which

shall be enclosed pursuant to this act, or shall practise any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another off said road with an intent to defraud said corporation, each any every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation the sum of five dollars without any stay of execution, to be recovered with costs of suit in an action of debt at the suit of the corporation, before any justice of the peace of the county; *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises between the gates for common and ordinary business. Proviso.

SEC. 26. If the said corporation shall fail for ten days in succession to keep said road in repair, and complaint be made thereof to a justice of the peace of the county, it shall be his duty forthwith to summon three disinterested judicious freeholders to examine the same; and he shall give notice to the toll gatherer at the nearest gate of the time when said freeholders will proceed to examine that part of said road complained of, and the said freeholders after having taken an oath or affirmation to act impartially, shall proceed in the examination, and if they shall find the same out of repair, they shall certify it to a justice of the peace, who shall immediately transmit a copy of said certificate to the nearest toll gatherer, where such defective part of the road lies; and from the time of receiving such notice no toll shall be demanded or received for such part of the road until the same shall be put in complete repair, under the penalty of five dollars for every such offence, to be recovered of said corporation with costs of suit, and for the use of the party aggrieved. Road to be kept in repair.

SEC. 27. If any person shall wantonly or wilfully destroy or in any manner injure or obstruct any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every person shall, on conviction thereof before a justice of the peace of the county, be liable to a fine of not more than fifty nor less than five dollars for every such offence, to be recovered in an action of debt at the suit of the state of Illinois, to go to the county seminary fund in the county where the injury may have been committed; and such offender moreover shall be liable for all such damages to the corporation, and for injury accruing to travelers in consequence of any such unlawful damage or obstruction of the road. All damages and costs under this section shall inure to the parties entitled to the same, and shall be collected by execution without delay or stay of execution, before any court having competent jurisdiction thereof. Obstructing said road.



- Stones and posts to be put up. SEC. 28. The company shall put up a post or stone at the end of each mile with the number of miles from fairly cut or painted thereon; and also in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction as may be necessary.
- Defacing the same SEC. 29. Any person wilfully destroying, defacing, or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.
- Toll gatherers SEC. 30. If any toll gatherer on said road shall unreasonably detain any passenger after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action shall be brought against any person or persons, for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days from the time of incurring the same; and the defendant or defendants in any such suit or action, may plead the general issue and give this act in evidence with any other special matter.
- Proviso, SEC. 31. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road, or any section thereof, with all incidental expenses; and also a fair account of the toll received; and the state shall have the right to purchase the stock of said company at any time after twenty years, on paying said corporation a sum of money, which, together with the tolls received, shall equal the cost and expenses of said turnpike road as aforesaid, with an interest of twelve per centum per annum, and the books of the corporation shall always be open for the inspection of any agent of the state appointed for that purpose by the legislature; and if the said corporation shall neglect or refuse to exhibit at any time their accounts agreeably to this section when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.
- Corporation to keep account of expenses. SEC. 32. The said corporation shall be, and are hereby authorised and empowered to demand and receive the same toll and proceed in the same manner to collect the same from the drivers, owner or owners of any stage, carriage or sleigh, in which shall be conveyed the mail of the United
- Books open for inspection.
- Tolls.

States, as they have by this act a right to do from the drivers of similar carriages and sleighs, drawn by the same number of horses in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents, to stop or detain any person, carriage, sleigh or horse, while actually employed in the conveyance of the said mail. Proviso.

SEC. 33. It shall be lawful for the county commissioners of each and every county through which the said road may run or pass, for and on behalf of such county, to authorise by an order, as much of the stock to be taken as they may think proper. County commissioners may take stock.

SEC. 34. This charter is to be limited to fifty years in its duration. Limitation of charter.

SEC. 35. This act to be in force from and after its passage, and shall be taken and considered a public act in all courts of record within and out of this state, as also in courts of justices of the peace, and shall be beneficially construed.

APPROVED, Jan. 13, 1836.

*AN ACT to incorporate the Illinois Central Rail Road Company.* In force Jan. 18. 1836.

SEC. I. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Wilson, Alexander M. Jenkins, David J. Baker, John S. Hacker, Henry Eddy, Wilson Able, Elijah Williard, Joel Manning, Richard G. Murphy, Pierre Menard, Miles A. Gilbert, Francis Swanwick, John Reynolds, Alfred Cowles, Harry Wilton, Sidney Breese, John D. Wood, Charles Prentice, John Dement, William F. Thornton, William Williamson, John F. Henry, M. L. Covell, Lovell Kimball, John M. Krum, D. B. Holbrook, Simon M. Hubbard, William C. Greenup, James Hughes, Albert G. Snyder, William G. Reddick, G. S. Hubbard, Daniel Wann, John Taylor, Elijah Iles, Thomas Mather, John Todd, A. G. Henry, James Thompson, Gabriel Jones, William Adair, R. K. McLaughlin, Henry Smith, William Linn, Jesse C. Lockwood, Abraham Irvin, Daniel Marshall, Daniel Field, George H. Hanah, Samuel J. Ghapman, John Dunn, William W. Roman, Lyman Adams, James Mitchell, William Welsh, Nathan Homer, Thomas B. Aflick and Porter Clay, their associates, Company incorporated

Nature and  
powers of the  
incorporation.

successors and assigns, be, and they are hereby made a body politic and corporate, under the name of the "Illinois Central Rail Road Company;" and by that name shall be, and are hereby made capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or place whatsoever; to make, have, and use a common seal, and the same to renew and alter at pleasure; and by that name and style be capable in law of purchasing, holding, and conveying, real and personal estate, for the purposes and uses of said corporation; and shall be, and are hereby vested with all the powers, privileges, and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said corporation are hereby authorised and empowered to locate, construct, and finally complete a rail road, commencing at or near the mouth of the Ohio river, and thence north to a point on the Illinois river, at or near the termination of the Illinois and Michigan Canal, in such manner and form as they shall deem to be most expedient: and for this purpose said company are hereby authorised to lay out their road not exceeding eight rods wide, through its whole length; and for the purpose of cuttings, embankments, and procuring stone or gravel, may take as much more land as may be necessary for the proper construction and security of said road; *Provided, however,* That all damages that may be occasioned to any person or corporation, by the taking of such land, or materials, for the purposes aforesaid, shall be paid for by said company, in the manner hereinafter provided.

Capital stock.

Directors, election of.

Quorum.

Directors to  
choose a president.

Power of directors.

SEC. 2. The capital stock of said company, shall consist of twenty-five thousand shares, of one hundred dollars each; and the immediate government and direction of the affairs of said company, shall be vested in a board of not less than five directors, who shall be chosen by the members of the corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified, to take their places as directors: and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be a president of the board, who shall also be president of the company; and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty; and a treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust.

SEC. 3. That the president and directors, for the time being, are hereby authorised and empowered, by themselves



or their agents, to exercise all the powers herein granted to the company, for the purpose of locating, constructing, and completing said rail road; and for the transportation of persons, goods, and merchandise; and all such other powers and authority, for the management of the affairs of the company, not heretofore granted, as may be necessary and proper to carry into effect the objects of this company: to purchase and hold land, materials, engines, cars, and other necessary things, in the name of the company, for the use of the road, and for the transportation of persons, goods and merchandise: to make such equal assessments, from time to time, on all the shares in said corporation, as they may deem expedient and necessary, in the execution and progress of the work, and direct the same to be paid to the treasurer of the company; and the treasurer shall give notice of all such assessments: and in case any subscriber shall neglect to pay his assessment, for the space of thirty days after due notice by the treasurer of said company, the directors may order the treasurer to sell such share or shares, at public auction, after giving due notice thereof, to the highest bidder; and the same shall be transferred to the purchaser; and such delinquent subscriber shall be held accountable to the company for the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest and costs of sale; *Provided*, Delinquent subscribers. *however*; That no assessment shall be laid upon any shares in said company, of a greater amount in the whole, than one hundred dollars on a share.

SEC. 4. The said company shall have power to make, Powers vested to Company. ordain, and establish all such bye-laws, rules and regulations, and ordinances, as they may deem expedient and necessary, to accomplish the designs and purposes, and to carry into effect the provisions of this act; and for the transfer and assignment of its stock, and the conveyance of property, and the well ordering, regulating and securing of the interests and affairs of the company; *Provided*, The same *Proviso.* be not repugnant to the constitution and laws of this state, or of the United States.

SEC. 5. A toll is hereby granted and established, for the sole benefit of said company, upon all passengers, and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established, from time to time, by the directors of said company. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters Tolls established

and things in relation to the use of said road, shall be in conformity to such rules, regulations, and provisions, as the directors shall, from time to time, prescribe and direct; *Provided, however,* That if at the expiration of ten years, from and after the completion of said road, the nett income or receipts from tolls, taking the ten years aforesaid as a basis of calculation, shall have amounted to more than twelve per centum per annum, upon the cost of the road, the legislature may take measures to alter and reduce the rate of tolls, in such manner as to take off the overplus, for the next ten years, calculating the amount of transportation upon the road to be the same as the ten preceding years: and at the expiration of every ten years thereafter, the same proceedings may be had; *Provided, further,* That the legislature shall not, at any time, so reduce the tolls, as to produce less than twelve per centum upon the cost of the said rail road, without the consent of the said company. And no other rail road than the one hereby granted, shall, within fifty years from the passage of this act, be authorised to be made, leading from the Ohio river, or Mississippi river, commencing below the mouth of the Illinois river, to any place within ten miles of the northerly termination of the rail road hereby established; *Provided,* That the said rail road shall be commenced in five years, and completed within twenty years from the passage of this act.

SEC. 6. The directors of the said company, for the time being, are hereby authorised to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road, when completed, and upon such parts thereof, as shall from time to time be completed.

SEC. 7. The said company shall be holden to pay all damages that may arise to any person or persons, or corporation or corporations, by taking their land for said rail road; when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner provided by law, for the recovery of damages happening by laying out highways.

SEC. 8. When the lands or other property or estate of any feme covert, infant, or person non compos mentis, shall be necessary for the construction of said rail road, the husband of such feme covert, and the guardian of such infant, or person non compos mentis, may release all damages for any lands or estate, taken and appropriated as aforesaid; as they might do if the same were holden by them, in their own right, respectively.

SEC. 9. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure, or

Proviso.

Legislature  
may reduce  
tolls.

Further provi-  
so.

Proviso.

Erect toll hou-  
ses, appoint toll  
gatherers.

Liabilities.

Lands of Feme  
covert, Infants  
or persons non  
compos mentis.

Persons ob-  
structing said  
road.

destroy said rail road, or in any part thereof, or any thing belonging thereto, or any material or instrument to be employed in the construction, or for the use of said rail road, he, she, or they, or any person or persons, assisting, aiding, or abetting in such trespass, shall forfeit and pay to said company, for every such offence, treble such damages as shall be proved before the justice, court or jury, before whom the trial shall be had; to be sued for and recovered before any justice, or any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said company: and such offender or offenders shall be liable to indictment by the grand jury for the county within which said trespass shall have been committed, for any offence or offences contrary to the above provisions; and on conviction thereof, before any court competent to try the same, shall pay a fine not exceeding one hundred, nor less than thirty dollars, to the use of the people of the state of Illinois; or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom the conviction may be had.

SEC. 10. The annual meeting of the members of said company, shall be holden on the second Monday in December, in each year, at Vandalia, or such other places as the directors, for the time being, may appoint; at which meeting the directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares; and any two of the individuals named in the first section of this act, are hereby authorised to call the first meeting of the said company, by giving notice in some public newspaper, published at the place where such meeting is to be held, of the time, place, and purpose of such meeting, at least ten days before the time mentioned in such notice.

Election of directors.

SEC. 11. If the said rail road, in the course thereof, shall cross any river, canal, turnpike, or other highway, the said rail road shall be so constructed as not to impede, or obstruct the safe and convenient use of such river, canal, turnpike, or other highway. And said company, hereby created, may construct a lateral rail road from Belleville, through Lebanon, in St. Clair county, to the nearest practicable point of said central road; which lateral rail road may be made and constructed in the same manner, and the work progress in the proportion of the work done on the main central rail road, until the same is completed; to be subject to the same rules and regulations, when completed, that the main road is, by this act.

Rail road when passing over highway, &c.

May construct a lateral road.

SEC. 12. It shall be lawful for the legislature of this state, at any time during the continuance of the charter of the said rail road, after the expiration of twenty-five years

State may purchase road.



from the opening for use of the rail road herein provided to be made, to purchase of the said company the said rail road, and all the franchise, rights and privileges of the said company, by paying them for the amount expended in making said rail road: and in case, at the time of purchasing, the said company shall not have received a nett increase equal to twelve per cent. per annum, on the said expenditure, from the time of the payment thereof by the stockholders, by paying the company such additional sum, as together with the tolls which they shall have received from the said rail road, will be equal to a nett profit of twelve per cent. per annum, on the cost of said rail road, from the date of the payment thereof, by the stockholders of the said corporation, to the time of such purchase.

Road may be  
extended to  
Galena.  
Proviso.

SEC. 13. The said company are hereby authorised to extend the said rail road, herein provided for, from the Illinois river, to Galena, in this state; *Provided*, The route proposed to be taken, shall be surveyed and located within four years from July next, and the whole rail road completed within the time limited in the fifth section of this act.

Capital Stock  
increased.

SEC. 14. It shall be lawful for said company to increase their capital stock to an amount sufficient to extend and complete the rail road authorised by this act, whenever the company shall deem it expedient, by a vote of the stockholders, at a meeting specially notified for the purpose, to be assessed to the same amount as the shares which are already created; *Provided*, That the additional number of shares so to be created, shall not exceed ten thousand: and the proprietors of the shares already created, for the time being, shall have the option of subscribing to said additional shares, in proportion to the amount which they may hold respectively, of the said original shares.

Proviso.

If state pur-  
chase road, &c

SEC. 15. In case the state shall purchase the rail road, authorised to be constructed by this act, the limitation provided in the fifth section of this act, shall cease and be of no effect.

Report to legis-  
lature.

SEC. 16. It shall be the duty of said rail road company, from year to year, to make report to the legislature of their receipts and expenditures, on said rail road and branches, authorised to be constructed under the provisions of this act.

Stock to be dis-  
posed of in  
this state.

SEC. 17. It shall be the duty of said company to reserve of said capital stock, to the amount of five hundred thousand dollars, to be disposed of in this state; which stock, so reserved, the president and directors of said company shall, within four months after the said company shall have been organised, offer for sale, by causing books to be open-

ed at the several places hereinafter mentioned, and under the direction of the following commissioners, namely: at Sale thereof.

Ottawa, under the direction of Lovell Kimball; at Bloomington, under the direction of M. L. Covell; at Springfield, under the direction of William Carpenter; at Jacksonville, under the direction of John Henry; at Decatur, under the direction of Isaac Pugh; at Shelbyville, under the direction of Joseph Oliver; at Hillsboro', under the direction of Christian B. Blockburger; at Vandalia, under the direction of James Black; at Greenville, under the direction of James Bradford; at Carlyle, under the direction of Joshua T. Bradley; at Salem, under the direction of Mark Tully; at Mount Vernon, under the direction of Harvey T. Pace; at McLeansboro', under the direction of Milton Carpenter; at New Nashville, under the direction of John D. Wood; at Frankfort, under the direction of Johnson Wren; at Equality, under the direction of Daniel Wood; at Darwin, under the direction of Uri Manly; at Alton, under the direction of J. A. Townsend; and at Belleville, under the direction of John D. Hughes: and the said commissioners, at the places above named, shall receive subscriptions for said stock, which books shall be kept open for the space of at least sixty days, or until the whole of said stock, so offered for sale, is taken. And whenever, and as soon as twenty-five thousand dollars thereof shall have been subscribed, at any one of the before mentioned places, the books at such place shall thereupon be closed. One dollar on each share so subscribed, shall be paid by the subscriber, at the time of subscribing; and no person shall, during the first thirty days after the opening of the books as aforesaid, be allowed to subscribe for more than five shares, in his or her own name: and any, and so much of said stock, so offered for sale at said places, as aforesaid, as shall remain unsubscribed, after sixty days from the time of opening said books, may be disposed of in such manner, and at such time, as the said president and directors of the company shall deem proper. Public notice of the time and place, when and where, said books shall be opened, for the purposes aforesaid, shall be given in three or more newspapers, of general circulation, published in this state. And all vacancies occasioned by death, or refusal to serve, of the above named commissioners, shall be filled by the president and directors of said company. Restriction of subscribers.

SEC. 18. This act of incorporation shall continue in force for the term of sixty years, from and after the passage thereof; shall be deemed and taken to be a public act, and shall be in force from and after its passage. In force 63 y'rs

APPROVED, Jan. 16, 1836.

In force Jan. 18, 1836. *AN ACT to incorporate the Stockholders of the Randolph Manufacturing Company.*

- Incorporation,**      **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described, shall be, and they are hereby constituted and declared a body politic and corporate, by the name and style of the "Randolph Manufacturing Company," from and after the passage of this act; and by that name, they and their successors, shall have succession, and shall in law be capable
- Their powers.**      of suing and being sued, pleading and be impleaded, in all courts and places whatsoever; may have a common seal, alter and change the same at their pleasure; and they and their successors, may also by that name and style, be capable in law of purchasing, holding, and conveying away real and personal estate, as may be necessary for the purposes and objects of this act, as hereinafter limited and set forth:
- Proviso.**      *Provided,* Such real estate shall not exceed six hundred and forty acres of land, with the buildings and improvements thereon, erected for the business of said company.
- Further powers.**      **SEC. 2.** The president and directors of said company, hereafter provided for, shall have power, and are hereby authorised to carry on the manufacture of grain, and other agricultural products in the county of Randolph; and to erect mills, works, machines, and such other buildings as may be necessary to carry on their business; and to enter into all contracts which may concern the use and management of said property, that may be necessary and proper to carry into effect the objects of this grant.
- Capital stock.**      **SEC. 3.** The capital stock of said company, shall consist of fifty thousand dollars, divided into one thousand shares, of fifty dollars each: *Provided nevertheless,* That the stockholders of said company, at a general meeting, and by a vote representing in its majority, at least two-thirds of the stock subscribed to said company, may, and are hereby empowered to increase the capital stock of said company, to one hundred thousand dollars, divided in the same manner as before, into shares of fifty dollars each; *Provided,* That the amount of debts which the said company shall at any time owe, shall not exceed the amount of capital stock actually paid in, and possessed in real and personal property: and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities: but this shall not be construed to exempt the corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable and chargeable for the said excess.
- Power to increase.**
- Proviso.**



SEC. 4. The general place of meeting for said company, <sup>Place of meet-</sup> shall be at Kaskaskia, in this state; but the president and directors may select such places for carrying on their manufacturing business, in said county of Randolph, as to them may seem fit for the purposes of the company.

SEC. 5. That for the purpose of carrying into effect the objects of this incorporation, Nathaniel Pope, Pierre Menard, Gabriel Jones, Seth Allen, Miles A. Gilbert, Thomas Short and Jacob Feaman, are hereby appointed commissioners, to obtain subscriptions to the capital stock of said company: and said commissioners, or a majority of them, after giving general notice thereof, in some paper printed in this state, may open books for the subscription of said stock, at such time and places as they may direct, and keep the same open till at least two hundred and fifty shares of said capital stock is subscribed. If the requisite number of shares shall not be subscribed within thirty days after the books are opened, said commissioners, or a majority of them, shall take such measures for completing such subscriptions, as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar for each share subscribed; and when such subscription is completed, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders at Kaskaskia, by a printed notice in some newspaper of general circulation in this state. <sup>Commissioners to open subscription books.</sup>

SEC. 6. That at said meeting, the stockholders of said company shall immediately proceed to elect five directors, who shall manage, direct, and govern the affairs of said company, one year from the period of said election, and until their successors, who shall be vested with the same authority, are elected. <sup>Election of directors.</sup>

SEC. 7. And at said election, each stockholder shall give one vote for each share of stock he may hold, and a majority of all the votes given, shall be required to make an election. <sup>Votes given.</sup>

SEC. 8. That the period of election shall be annually, the first Monday in the month in which the first election was held. <sup>Election annually.</sup>

SEC. 9. That immediately after the directors are chosen as above, they shall hold a meeting, at which, and at all subsequent meetings, a majority shall constitute a quorum; that they shall proceed to the election of a president, from one of their number; a secretary, who shall be sworn by a justice of the peace to the faithful discharge of his duty, and who shall record all votes of the corporation in a book, to be by him kept for that purpose; a treasurer, who shall give bond to such amount, and in such manner, as the said <sup>Meeting.</sup>

president and directors shall direct; and such other officers and agents, as to them may seem necessary for their regular government, and to carry into effect the objects for which said corporation is established.

Powers delegated to Directors

SEC. 10. The said president and directors shall have power, from time to time, to make all such bye-laws, and rules, not inconsistent with the constitution and laws of this state, and the United States, which may be necessary for the payment or collection of subscriptions to its stock, and the transfer of the same; the conveyance of property; or that in any other way may concern the management and direction of the affairs of said company, in carrying into effect the provisions of this act.

A public act.

Proviso.

SEC. 11. This act is declared a public act, to be and remain in force for the term of twenty-five years, from and after the date of its passage; *Provided, however,* That if said company shall not have been organised under this charter, and the works located, and business commenced, within two years from July first, next, this act shall be void, and of no effect.

APPROVED, Jan. 16, 1836.

In force, Jan. 7, 1836.

*AN ACT to incorporate the Marseilles Manufacturing Company.*

Company incorporated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Gurdon S. Hubbard, Robert P. Woodworth, James A. Woodworth, L. Kimball, Augustus Butterfield, William Whipple and James Brown, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the "Marseilles Manufacturing company," to be located in the town of Marseilles, LaSalle county; and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all courts having competent jurisdiction; and shall be vested with all the power and privileges necessary to the object of their incorporation.

Powers of corporation

SEC. 2. The said company shall have power to give and receive promissory notes; to enter into and carry on all kinds of mechanical and manufacturing business; to erect mills, furnaces, and machine shops, for the manufacture of flour, lumber, woollen and cotton goods; castings, machinery, and farming utensils.

SEC. 3. The real estate owned by the said company, Amount of real estate to be owned. over and above the lots of land on which their buildings are erected, shall not exceed six hundred and forty acres, except such as may be held as collateral security for debts, bona fide, owed to the said corporation, or may become the property thereof by virtue of such indebtedness: and further, no real estate acquired by such indebtedness, shall remain the property of the said corporation for a longer period than five years, under the penalty of a forfeiture thereof, to the people of this state.

SEC. 4. The capital stock of said company, shall be Capital Stock. two hundred thousand dollars, with power to increase the same, at the pleasure of said company, to any sum not exceeding five hundred thousand dollars; which capital stock shall be divided into shares of one hundred dollars each; *Provided*, That the total amount of debt which said corporation shall at any time owe, shall not exceed the amount of their capital stock; and in case of such excess, those under whose administration it shall happen, shall be holden for the same, in their natural and private capacity: but this shall not be construed to exempt the corporate property of the company from being also liable and chargeable for such excess.

SEC. 5. Subscriptions to the capital stock of said corporation shall be opened under the direction of the directors hereafter named, and if more than two hundred thousand dollars shall be subscribed, they shall distribute the stock among the several subscribers, in such manner as they shall deem most conducive to the interest of said corporation. And it shall be the duty of the directors, for the time being, to call for, and demand of the stockholders, respectively, all sums of money by them subscribed, at such times, and in such proportions, as they shall see fit, under the penalty of the forfeiture of their shares, and previous payments made thereon, to the said corporation, always giving thirty days notice in a newspaper printed in or nearest to said town. Subscriptions, how opened.

SEC. 6. The stock, property, and concerns of the said corporation, shall be managed and conducted by five directors, who shall, at the time of their election, be holders, respectively, of not less than twenty shares of the capital stock of said company. Said directors shall be chosen annually, on the first Monday in June, by the stockholders or their proxies, which shall be by ballot; each share of the capital stock shall be entitled to one vote; and the five persons receiving the greatest number of votes, shall be deemed duly elected, to hold their offices one year, and until others are elected to fill their places. The directors so Concerns, how managed. Election of directors.



- chosen, or the major part of them, shall constitute a board, and be competent to the transaction of business; and may, from time to time, make and prescribe such bye-laws, rules and regulations, relative to the concerns of said corporation, the duties of the president and agent, (each of whom shall be elected by a majority of the directors so chosen;) and shall also regulate the duties of their agents, clerks, and all others by them employed; and also shall appoint a treasurer, who shall give bond to the president and directors, in such amount, and in such manner as the said directors shall prescribe. And the said directors shall have power to appoint such other officers, agents and clerks, as may be necessary for carrying on the business of said corporation.
- Bye-laws**      **SEC. 7.** Gurdon S. Hubbard, Robert P. Woodworth, James H. Woodworth, L. Kimball and Augustus Butterfield, shall be directors from the time this act takes effect, and until others are elected in their stead. Four weeks previous notice of an election, after the first, shall be given, of the time and place of holding such election, by publishing such notice once in each week, for four weeks, immediately preceding such election, in a newspaper printed in or near the said town; and such election shall be holden under the inspection of the directors.
- First directors.**
- Extent:**      **SEC. 8.** The corporation hereby created, shall continue twenty-five years, and no longer.
- Shall keep books.**      **SEC. 9.** The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation; and the same shall at all times be subject to the inspection of the stockholders. And it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors shall direct, of so much of the profits of said company, as to them, or a majority of them, shall appear advisable. And the said directors, whenever required by a majority of the stockholders, shall exhibit, at a general meeting, a full and perfect statement of the debts and credits, and all such other matters as may be deemed essential, relating to the affairs of the company.
- Dividends.**
- Special meetings.**      **SEC. 10.** A majority of the stockholders, whenever they deem it necessary, may call a special meeting of the company; and provided the regular elections, from any cause, shall not take place at the time herein provided for, it shall be lawful for any two of the stockholders to call a special election, giving notice of the time and place, as herein provided.
- Disposition of stock.**      **SEC. 11.** The stock not disposed of by the directors, in the manner herein before named, shall and may be issued by the directors, for the time being, according to the bye-

laws and regulations that may be adopted by the said company.

SEC. 12. The stock of said corporation shall be deemed personal property, and assignable and transferable on the books of the corporation. But no stockholder indebted to the corporation shall be permitted to make a transfer, until such debt be paid, or secured to be paid, to the satisfaction of the directors. Stock deemed personal property.

SEC. 13. That nothing in this act shall be so construed to invest said company with any banking powers, or to authorise them to make, emit, or utter any bills of credit, bank notes, promissory notes, or other thing, to be used as a circulating medium, as, and in lieu of money. Banking.

SEC. 14. This act is hereby declared to be public, and shall take effect from and after its passage. A public act.

APPROVED, Jan. 7, 1836.

*AN ACT to Incorporate the Illinois Exporting Company.* In force 18th Jan., 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Company incorporated.  
*represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described, shall be, and they are, hereby constituted and declared a body politic and corporate, by the name and style of the "Illinois Exporting Company," from and after the passage of this act: and by that name, they and their successors, shall have succession; and shall in law be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, may have a common seal, alter and change the same at their pleasure, and they and their successors may also, by that name and style, be capable in law of purchasing, holding, and conveying away, real and personal estate, for the uses and purposes of said corporation; which real estate shall not exceed three acres of land, whereon to erect the necessary buildings for carrying on the business of the company, in any one county in this state. Common Seal.

SEC. 2. The president and directors of said company Directors,  
 hereinafter provided for, shall have power, and are hereby authorised to carry on the manufacture of flour, wool, hemp, and other agricultural products: to export their products and manufactures; to erect mills, works, machines, and such other buildings as may be necessary to carry on their business, and to enter into all contracts which may concern the use and management of said property.

Capital stock.

SEC. 3. The capital stock of said company shall consist of one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars each: *Provided nevertheless*, that the stockholders of said company, at a general meeting, and by a vote representing in its majority at least two thirds of the stock subscribed to said company, may and are hereby empowered, to increase the capital stock of said company, to five hundred thousand dollars, divided in the same manner as before, into shares of one hundred dollars each: *Provided*, that the estates real and personal, of all and each of the stockholders of said corporation, shall, at all times, be liable for the debts of said company.

Proviso

May be increased.

Place of meeting.

SEC. 4. That the general place of meeting for said company, shall be at Alton, in this state; but the president and directors of said company, may select such other places of business as to them may seem fit, for the general purposes of said company: *Provided*, That said company shall not be authorised to erect any mills or other buildings in any county in this state, other than at the place named in this act, unless the said company shall first obtain the consent of the county commissioners' court in such other counties; which consent so obtained shall be entered upon the records of the court or courts granting the same.

Proviso.

Commissioners appointed to receive subscriptions.

SEC. 5. That for the purpose of carrying into effect the object of this incorporation, James S. Lane, Thomas G. Hawley, Anthony Olney, John M. Krum, and D. B. Holbrook, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, or a majority of them, after giving general notice thereof, in some paper printed in this state, may open books for the subscription of said stock, at such times and places as they may direct and keep the same open till at least one thousand shares of said capital stock is subscribed. If the requisite number of shares shall not be subscribed within thirty days after the books are opened, said commissioners, or a majority of them, shall take such measures for completing such subscriptions, as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar, for each share subscribed. When such subscription is complete, or within sixty days thereafter, said commissioners or a majority of them, shall call a meeting of the stockholders at Alton, by a printed notice in some newspaper of general circulation within this state.

Amount to be paid at time of subscribing.

Directors, when elected.

SEC. 6. That at said meeting, the stockholders of said company, shall proceed to elect five directors, who shall manage; direct, and govern the affairs of said company, one year from the period of said election, and until their succes-



sors, who shall be vested with the same authority, are elected.

SEC. 7. And that at said election each stockholder, shall be entitled to one vote for each share of stock he may hold; and a majority of all the votes given shall be required to make an election. Votes.

SEC. 8. That the period of election shall be annually the first Monday in the month in which the first election was held.

SEC. 9. That immediately after the directors are chosen as above, they shall hold a meeting, at which, and at all subsequent meetings, a majority shall constitute a quorum; that they shall proceed to the election of a president from one of their number; a secretary, who shall be sworn by a justice of the peace to the faithful discharge of his duty, and who shall record all votes of the corporation in a book to be by him kept for that purpose; a treasurer, who shall give bond to such amount and in such manner as the said president and directors shall direct, and [appoint] such other officers and agents as to them may seem proper. Quorum.

SEC. 10. That said president and directors shall have power, from time to time, to make all such bye-laws and rules, not inconsistent with the constitution and laws of this state, which may be necessary for the payment, or collection of subscriptions to its stock, and the transfer of the same, the conveyance of property, or that in any other way, may concern the management and direction of the affairs of said company. May make bye-laws.

SEC. 11. Provided the provisions of this act shall in no case extend to the counties of Edgar, Greene, and St. Clair. This act may be repealed, altered, or amended by any General Assembly of this state, that may be in session after the expiration of twenty-five years, from and after the first day of May next. Act not to extend to certain counties.

APPROVED, Jan. 18, 1836.

*AN ACT to incorporate the Alton Shot and Lead Manufacturing Company.* In force Jan. 16, 1835.

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That J. A. Townsend, Benjamin J. Gilman, Isaac Prickett, Caleb Stone, Isaac Negus, and Sherman W. Robbins, and such other persons as may be associated with them, are hereby declared and constituted a body corporate, by the name of the "Alton Shot Company incorporated

and Lead Manufacturing Company," for the purpose of manufacturing shot and lead, in or near the town of Alton, in the county of Madison.

Capital stock

SEC. 2. The capital stock of said company shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each; and it shall be lawful for the said corporation, when, and so soon as the capital stock of said company shall have been subscribed for, and ten thousand dollars thereof paid in, to commence their said business, and with that capital to conduct and carry on the same, until they shall find it expedient to call in the remainder of the capital stock.

Duty of directors.

SEC. 3. Subscription to the capital stock of said company shall be opened under the direction of the directors herein-after mentioned, and it shall be the duty of the directors for the time being, to call for and demand of the stockholders, respectively, all sums of money by them subscribed at such times, and in such proportions as they shall see fit, under pain of forfeiting their shares, of all previous payments made thereon to said company; always giving sixty days previous notice in writing by their clerk to each stockholder, of such call or demand.

Stock and concerns, by whom conducted.

SEC. 4. The capital stock, property, and concerns of said corporation, shall be managed by five directors, and the first directors shall be, J. A. Townsend, B. J. Gillman, Isaac Prickett, Isaac Negus, and S. W. Robbins, who shall hold their offices for one year thereafter, or until an election of directors shall take place, which election shall be made annually, on the first day of May, in the town of Alton, and of each election a previous notice shall be given, at least four weeks, by inserting the same in the Alton Spectator, or some other paper printed in this state, and each election shall be holden under the inspection of the directors for the time being, and shall be by ballot, or otherwise, by plurality of votes of the stockholders present, allowing one vote for every share, and the stockholders not present may vote by proxy.

Election.

SEC. 5. If it should at any time happen that an election of directors should not be made on the day when it ought to have been made, the corporation for that cause shall not be deemed dissolved, but it shall be lawful on any other day to meet, and hold an election of directors, in such manner as shall have been prescribed by the bye-laws of said corporation.

Stock deemed personal property.

SEC. 6. The stock of said company shall be deemed personal property, and shall be assignable and transferable according to such rules as the directors for the time being shall make and establish; and no stockholder indebted to said company, shall be permitted to make a transfer or receive

a dividend until such debts be paid to the satisfaction of the directors.

SEC. 7. The directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the company; which books shall be subject to the inspection of the stockholders at all times. Directors to keep books.

SEC. 8. The corporation erected by this act, shall continue for twenty-one years and no longer. In force 21 yr's

SEC. 9. The corporation enacted by this act shall be capable, and are authorised to purchase, hold, and convey any estate, real or personal, that may be absolutely necessary to enable the same to carry on efficiently its business, as defined in this act, and for no other purposes whatever. May purchase and hold real estate.

APPROVED, Jan. 16, 1836.

*AN ACT for the construction of the Illinois and Michigan Canal.* In force, Jan. 9, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the governor of this state be, and he is hereby, authorised and empowered to negotiate a loan on the credit and faith of this state, as hereinafter provided, for the purpose of aiding in connection with such other means as may be hereafter received from the government of the United States, in the construction of the Illinois and Michigan Canal, a sum not exceeding five hundred thousand dollars, which shall be required to be paid at such times and by instalments, as the same may be needed in the progress of the said work, as near as the same can be estimated. Governor authorised to negotiate a loan on the faith of the state.

SEC. 2. The governor shall cause to be constituted certificates of stock for the said loan, to be called the "Illinois and Michigan Canal Stock" signed by the Auditor, and countersigned by the Treasurer, bearing an interest not exceeding six per cent. per annum payable semi-annually, at the bank of the state of Illinois or any of its branches, or at some bank in the cities of New York, Philadelphia, Boston or either, as may be agreed upon, and reimbursable at the pleasure of the state, at any time after the year one thousand eight hundred and sixty, and the faith of the state is hereby irrevocably pledged for the payment of the stock hereby created, and the interest accruing thereon. Certificates of stock. Faith of the state pledged.



Transferring of  
stock.

SEC. 3. The governor shall take and use all proper means and measures for the transferring of the said stock.

Certificates of  
stock to be sold

SEC. 4. It shall be deemed a good execution of the said power, to borrow, for the governor to cause the said certificates of stock, when created to be sold; *Provided*, that the said stock shall not in any case be sold for less than its par value.

Monies to be  
deposited in  
bank at interest

SEC. 5. It shall be the duty of the governor to cause the said monies from time to time, when paid or advanced, to be deposited in some safe bank or banks until wanted for use, at the best interest that can be obtained for it, to be drawn out as hereinafter provided, taking therefor the proper securities for the safe keeping of the same.

What consti-  
tutes canal  
fund

SEC. 6. The money thus loaned, the premiums arising from the sale of any stock thus created, the proceeds of the canal lands and town lots, and all of the monies in any way arising from the contemplated canal, shall constitute the canal fund, and shall be used for canal purposes, and for no other whatever, until the said canal shall have been completed; *Provided*, that nothing herein contained shall be so construed as to prevent appropriations from being made, out of the said fund for semi-annual payment of the interest upon the canal stock herein authorised to be created, and the governor is hereby authorised to cause the said interest, to be paid out of the said fund.

Proviso

Governor to  
appoint board.

SEC. 7. The governor of this state by and with the advice of the senate, shall appoint three practical and skilful citizens of this state to constitute a board, to be known by the style and description of "the Board of Commissioners of the Illinois and Michigan Canal" and he shall designate one of said commissioners to be president thereof, one to be treasurer and one to be acting commissioner; whenever any vacancy shall occur in the said board of commissioners by death resignation or from any other cause the governor of this state shall fill such vacancy during the recess of the legislature, and the governor shall have power to remove from office any canal commissioner for good cause which he shall make known in a communication to the next ensuing general assembly.

Vacancy, how  
filled.

Term of service

SEC. 8. The board of commissioners to be appointed as aforesaid shall hold their office until the first Monday in January 1837, and thereafter the said board of commissioners shall be biennially appointed in such manner as the legislature may from time to time direct.

Salary.

SEC. 9. The acting commissioner shall be allowed a salary of twelve hundred dollars per annum, and the rest of the board shall each be allowed a compensation of three dollars per day while necessarily employed in the business of the canal.

SEC. 10. The said board of commissioners is hereby con- <sup>Incorporated.</sup>  
stituted a body politic and corporate with full power and  
authority in their corporate name to contract and be con-  
tracted with, sue and be sued, defend and be defended, plead  
and be impleaded, in all the matters and things relating to  
them as canal commissioners, and they shall have and use  
a common seal of such device as the governor may direct.

SEC. 11. The board shall appoint a secretary, whose duty <sup>To appoint a</sup>  
it shall be to keep a true record of all their proceedings; <sup>secretary.</sup>  
they shall hold quarter yearly meetings, and special meet-  
ings whenever any two of them, or the acting commissioner  
may desire it, any two of them shall constitute a quorum to  
do business.

SEC. 12. Before entering upon the duties of their office <sup>Commissioners</sup>  
each of the said commissioners shall make oath or affirma- <sup>to be sworn</sup>  
tion, faithfully, honestly, and truly to execute and discharge  
all the duties and obligations herein imposed upon them,  
and each of them as canal commissioners, and they shall  
severally give bonds to the governor and his successors in  
office for the use of the state, in the sum of ten thousand  
dollars with sufficient securities, for the faithful discharge  
of the duties imposed upon them by this act; *Provided*, <sup>Proviso</sup>  
that the governor may at any time require additional bonds  
of said treasurer, whenever he may think that the safety of  
the funds require it.

SEC. 13. Whenever all or any part of the money upon <sup>When money</sup>  
any contract shall become due, it shall be the duty of the <sup>due treasurer</sup>  
treasurer to draw his warrant or check, therefor in favor of <sup>may draw</sup>  
the contractor, upon the bank or banks in which the canal <sup>check on bank</sup>  
fund shall have been deposited, which warrant or check,  
shall be countersigned by the acting commissioner and shall  
be under the seal of the board.

SEC. 14. It shall be the duty of the acting commissioner <sup>Commissioners</sup>  
to obtain from the cashier of the bank, or banks, in which <sup>to obtain a</sup>  
the said fund shall have been deposited, a quarterly report, <sup>quantity, report</sup>  
exhibiting a true account of all monies received in deposite, <sup>from bank and</sup>  
on account of the canal fund and paid out of the said fund <sup>lay it before</sup>  
during the previous quarter, which report shall be laid <sup>board</sup>  
before the board of canal commissioners, and within twenty  
days thereafter, shall be examined by the said board, and  
compared with the accounts of the treasurer and an entry  
shall be made in the books of the said board that the  
said examination has been made by them, and that the two  
accounts correspond, if such be the case, and each com-  
missioner present shall sign his name to the record of such  
examination.

SEC. 15. It shall be the duty of the acting commissioner; <sup>Commissioners</sup>  
1st. To make under the direction of the board, all neces- <sup>to contract for</sup>

materials and labor	sary contracts for the supply of material, and the performance of labour.
Conduct of all officers	2nd. To inquire into the official conduct of the agents, clerks, superintendents, and all subordinate officers and to receive and hear all complaints that may be preferred against them.
To enforce duties.	3d. To enforce the faithful execution by all persons concerned, of the duties and obligations imposed upon them by this act.
To examine state of canal and have superintendence thereof	4th. To examine frequently and carefully, into the state of the canal, and the progress of the works thereon.
Description	5th. To have the immediate care and superintendence of the canal and all matters relating thereto.
Proviso.	SEC. 16. The said canal shall not be less than forty-five feet wide at the surface, thirty feet at the base, and of sufficient depth to insure a navigation of at least four feet, to be suitable for ordinary canal boat navigation, to be supplied with water from Lake Michigan and such other sources as the canal commissioners may think proper, and to be constructed in the manner best calculated to promote the permanent interest of the country; reserving ninety feet on each side of said canal, to enlarge its capacity, whenever in the opinion of the board of canal commissioners, the public good shall require it; <i>Provided</i> , that all persons who have purchased, or shall hereafter purchase lands fronting the said canal shall be permitted to lease from the said board the said reserved ground on each side of said canal, from year to year, or until the said ground shall be wanted to enlarge the capacity of said canal, for the best price that can be obtained, to be paid into the canal fund.
Measures for constructing	SEC. 17. They shall take efficient and proper measures for the immediate construction of the said canal; shall put such parts of it as they may deem proper under contract as herein provided and shall have the general care and superintendence thereof.
Furnish means	SEC. 18. They shall inspect and examine into the accounts, books, state of the treasury, and all of the proceedings of the treasurer and of the acting commissioner.
	SEC. 19. They shall furnish the acting commissioner with all proper means and facilities, that may be necessary to enable him to discharge the duties herein imposed upon him.
Powers	SEC. 20. They shall have full power and authority in their good judgment to do, in relation to the construction and completion of the said canal, all things, not otherwise herein provided for.
May use lands water streams	SEC. 21. It shall be lawful for them to enter upon and use any lands, water, streams and materials of any descrip-



tion necessary for the prosecution of the works contemplated by this act.

SEC. 22. They may employ such and so many, agents, engineers, surveyors, draftsmen and other persons as they may judge necessary to enable them to discharge their duties as commissioners, and may pay such compensation as they shall judge reasonable to each person so employed. To employ agents, engineers

SEC. 23. Public notice shall be given of the time and place at which proposals will be received for entering into contracts; which notice shall be previously published for at least six weeks, in a newspaper printed at Chicago and in such other papers either in this state or elsewhere as may be deemed proper. Notice of entering into contracts

SEC. 24. Proposals for contracts shall be sealed and shall be for a sum definite and certain, as to the price to be paid or received, and shall be let to the lowest and most responsible bidder, accompanied with good and sufficient security for the faithful performance of such contract. Proposals

SEC. 25. And it shall be the duty of the commissioners to let out all contracts for labor on conditions to be expressed in the contracts, as will authorise said commissioners to declare all contracts to be abandoned and to re-let the same to more efficient contractors, whenever in the opinion of the acting commissioner, or the principal engineer on the work, the contractor or contractors refuse or neglect to prosecute his or their contract, with a force proportionate to the amount of work to be performed and the time within which the same, by the terms of the contract is required to be completed; and in all cases where an unfinished contract shall be declared to have been abandoned as aforesaid, the per centage on the amount of work performed, which the commissioners are required to retain until the completion of the job, shall be forfeited to the use of the canal fund. To let out contracts

SEC. 26. All contracts concerning the contemplated canal shall be made in writing, under the seal of the board, and of each contract, three copies shall be executed by the parties one of which shall be retained by the board, and one shall be immediately forwarded to the auditor of public accounts, and by him filed in his office. Contracts to be returned to auditor

SEC. 27. All materials procured or partially procured under any contract with the commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the money due for such materials to the judgment creditor of the contractor under whose execution such materials might have been sold upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract. Materials exempt from execution.

SEC. 28. In case of the death of any canal contractor

- Death of contractors who shall at the time of his decease, be indebted to any labourers for work done on the canal, it shall be lawful for the board, if they think proper to pay such labourers out of any money that may be due to the deceased contractor, and the receipt of such labourers shall be a good voucher in offset to the sum due the deceased contractor, from the board, on the final settlement between them and his executors or administrators; *Provided*, that the said persons shall first obtain a judgment against the administrator of such deceased contractor, and produce a certificate from the court, judge or justice of the peace, that the judgment was rendered for work done on the canal or for materials furnished therefor and for no other cause.
- Proviso.
- Rules and regulations SEC. 29. The board shall from time to time make such rules and regulations, not inconsistent, with the laws of this state, in respect to the persons employed about the canal, injury done to the said canal or locks, and the management and navigation of the same, and impose such forfeitures of money for the breach of such rules and regulations, as they may judge reasonable, but no forfeiture imposed, shall for a single offence exceed the sum of fifty dollars over and above the amount of actual damage done.
- To be posted SEC. 30. They shall cause a sufficient number of such rules and regulations to be posted up for public inspection, and shall transmit a copy of them, from time to time to the governor, as they may be made, in their next quarterly and annual reports.
- Filed in Auditor's office SEC. 31. All rules, regulations, and forfeitures, established by them as aforesaid, shall be filed in the office of the auditor, and a copy thereof certified by him under his hand and seal of office, shall be received in all courts of law as due proof, that such rules, regulations and forfeitures were by them established.
- To select canal route, town site and lay off lots SEC. 32. The commissioners shall examine the whole canal route, and select such places thereon as may be eligible for town sites, and cause the same to be laid off into town lots, and they shall cause the canal lands in or near Chicago, suitable therefor, to be laid off into town lots.
- To sell lots in Chicago and Ottawa SEC. 33. And the said board of canal commissioners shall on the twentieth day of June next, proceed to sell the lots in the town of Chicago and such part of the lots in the town of Ottawa, as also fractional section fifteen, adjoining the town of Chicago, it being first laid off and subdivided into town lots, streets, and alleys, as in their best judgment will best promote the interest of the said canal fund; *Provided always*, that before any of the aforesaid town lots shall be offered for sale, public notice of such sale shall have been given in such newspapers, not less than five in number,
- Proviso.

including the one printed at Vandalia, either in this or other states as the board may think best, at least eight weeks prior to any sale; *Provided further*, that if no sale be made on the day herein named, such sale may be made at any time thereafter, upon giving the notice and upon the terms herein required.

SEC. 34. It shall be the duty of the canal commissioners, To make out a list of lots &c before the day appointed for any sale of lots, to make a list of the lots intended to be offered, describing them by their numbers, and value, each lot separately and certify the Certify the same to the treasurer same under their hands and seals, which list and certificate shall be filed with the treasurer and preserved, and no lot shall be sold for less than the valuation; and all lots remaining unsold shall be again advertised for sale in the manner 2nd sale aforesaid, and said commissioners shall continue from time to time to advertise for sale all lots remaining unsold, at any public sale, until the whole shall be sold, and no lot shall be sold, except at a public sale, to the highest bidder; *Pro-* Proviso. *vided*, that all persons who may have made improvements upon any of the lots authorised to be sold, shall be permitted to remove such improvement at any time before the day fixed for the sale of any such improved lots, being responsible for all unnecessary damage done or suffered by such removal. Improvements may be removed before sale

SEC. 35. The terms of sale shall be as follows, to wit: Terms of sale one fourth of the purchase money to be paid in advance at the time of purchase, and notes taken for the payment of the residue in three equal annual instalments, bearing an interest of six per cent. per annum, payable annually in advance, and a failure to pay such interest or the residue of such principal within twenty days after the same or any instalment thereof becomes due, shall forfeit to the state for the benefit of the canal fund, the said lot or lots, and all claim thereon; and if any purchaser before forfeiture, shall commit unnecessary waste, upon any lot or lots not paid for, Waste he, she or they, so offending, shall be subject to an action at law for damages to said commissioners, and a certificate of the acting commissioner of any forfeiture, shall authorise the sheriff of the proper county, with the posse comitatus, to give such board possession of such forfeited lot or lots, on behalf of the state, and the lot or lots so forfeited as aforesaid shall be re-sold without let or stay, extent of time or subsequent relief of any kind whatever, the same bringing the appraised value.

SEC. 36. In all sales of canal lots, the secretary and treasurer shall act as register, and receiver, and shall be governed by the same rules, that now govern registers and receivers in the United States' land offices in this state, except as Secretary and Treasurer to act as register and receiver is herein provided.



Treasurer to  
grant certificate

SEC. 37. It shall be the duty of the treasurer upon the payment of the purchase money, to grant to the purchaser or purchasers, a certificate, containing a description of the land or lots purchased, and the price for which the same was sold, and shall forward a duplicate of such certificate to the auditor of the state, who shall record the same; and the person holding such certificate, shall upon presenting the same to the governor receive a patent for the land described therein, signed by the governor, and countersigned by the secretary of state, with the seal of the state affixed thereto.

Moneys to be  
deposited in  
bank

SEC. 38. All monies paid to the treasurer for the purchase of any canal lands or lots shall be by him immediately deposited in some bank, under the direction of the governor, for the payment of the interest of the canal loan, and for work done on the canal.

No commis-  
sioner to pur-  
chase lands or  
lots.

SEC. 39. None of the board of canal commissioners shall be allowed to purchase any of the canal lands or lots herein authorised to be sold, nor shall they, or either of them directly or indirectly, be concerned in any such purchase or have any manner of interest therein, and all sales in which the said commissioner, or any of them shall be in any way interested, shall be absolutely null and void, the purchase money shall be forfeited, and the land shall revert to the canal fund; but said canal commissioners or either of them, are hereby required and authorised to bid for any tract or lot of land, so offered for sale, if in their opinion the interest of the canal fund requires it, and in such case the bid shall be in the name of such commissioner for the use of the state, and the said lot or tract shall revert by such bid to the state for the use of the canal fund, and shall be subject to sale thereafter, as other lots or tracts are now, or hereafter may be by law subject to sale. Any commissioner who shall be guilty of a violation of the provisions of this section, shall be deemed to have perpetrated a fraud, and upon indictment and conviction thereof, in any court having competent jurisdiction, shall be punished by forfeiture of his office, and fined in a sum not less than one thousand nor more than five thousand dollars; *Provided*, that a prosecution for such offence shall be commenced, within ten years after the commission of the same.

Commissioner  
to bid for lands  
or lots for the  
state

Proviso

Persons combin-  
ing at sale not  
to bid against  
each other.

SEC. 40. If any two or more persons shall combine themselves together for the purpose of lessening competition at the sale of any of the canal lands or lots, or if they shall agree or have any understanding among themselves, that they will not bid upon one another, at any such sale for the purpose of obtaining the said canal lands or lots at a low price; the same shall be deemed a fraud and any person or persons convicted thereof, in any court having competent

jurisdiction, shall be fined in a sum not less than one hundred nor more than one thousand dollars, one moiety thereof, to the use of the person informing, and the other moiety to the canal fund, and any patent issued for any lands or lots purchased as aforesaid shall be absolutely null and void; the money paid therefor shall be forfeited, and the lands or lots so purchased shall revert to the canal fund. And it is hereby declared to be the duty of the state's attorney to prosecute for all such offences; *Provided*, that all such prosecutions, shall be commenced within ten years after the commission of the offence.

*Proviso,*

SEC. 41. The revenue arising from the Illinois and Michigan canal, and from the lands granted, or that may hereafter be granted to the state of Illinois, by the Congress of the United States, for the construction of the said canal, and the nett tolls thereof, are hereby pledged for the payment of the interest accruing on the stock, that may be created in pursuance of this act, and for the reimbursement of the principle of the same.

Revenue, tolls, &c. pledged.

SEC. 42. The board of commissioners, shall, quarterly, viz: on the first Monday of March, June, September and December in each year, make a minute and particular report to the governor, which report shall set forth in a plain and intelligible manner, all of their acts and doings in relation to the said canal, and the canal lands and lots, all of the money received and expended, the work done, and the price allowed for the various kinds of work, the contracts made, with whom made, and the security given, the number of engineers, draftsmen, clerks and agents, of every description by them employed, and the amount of compensation paid to each, the progress of the canal, their contemplated plans for the next three months, with an estimate of the probable amount of money, that will be required to be expended for canal purposes, during that time, together with such other matters and things as they may see fit to add; and also the amount, time and rate of any loan made by virtue of this act, which report or the outlines thereof, the governor shall cause to be published.

Make report to the governor, quarterly.

SEC. 43. They shall annually on the first Monday of December, make a report to the governor, setting forth all of their act and doings in relation to the canal and canal lands and lots, during the previous year, in like manner as is required of them in their quarterly reports, containing such statements and estimates for the year as their quarterly reports do for the quarter.

Annual report

SEC. 44. The said canal shall commence at or near the town of Chicago, on canal lands and shall terminate near the mouth of the little Vermillion in La Salle county and on land owned by the state.

Commencement and termination.

Act repealed

SEC. 45. The act, entitled an act for the construction of the Illinois and Michigan canal, approved February the tenth eighteen hundred and thirty-five, is hereby repealed, and any canal commissioner heretofore appointed under any law of this state be and the same is hereby declared to be out of office from and after the passage of this act, any law to the contrary notwithstanding.

APPROVED, Jan. 9, 1836.

In force, Jan.  
15, 1836,

*AN ACT to incorporate the Danville Academy.*

Corporation

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the persons hereafter to be elected, in pursuance of the provisions of this act, and their successors, be, and they are hereby created a body politic and corporate, to be styled "The Trustees of the Danville Academy," and in that name to remain in perpetual succession, with power to sue and be sued, to plead and be impleaded; to acquire, hold and convey property, real and personal; to have and use a common seal, to alter the same at pleasure; to make, and alter from time to time, such bye-laws as they may deem necessary for the government and regulation of said institution, and its officers and servants and property: *Provided,* Such bye-laws be not inconsistent with the constitution and laws of the United States, and of this state, or of this act.

Trustees.

SEC. 2. The trustees of said institution shall consist of nine stockholders. At the first election, three of whom shall be elected by ballot, for the term of three years; other three shall be elected for the term of two years; and the other three shall be elected to serve for the term of one year; and who shall continue in office until their successors are duly elected; and every year thereafter, there shall be an election of three trustees, held at some convenient place, to be from time to time ascertained and fixed by the bye-laws of the said corporation, until the said academy is fitted for holding elections therein; after which, all elections shall be held at such academy, and that any person holding more than one right or share in said academy, shall be entitled to one vote for each right or share, he or she shall hold in the same.

Elections.

SEC. 3. The stockholders of said institution shall have power to fill such vacancy or vacancies of said trustees as may happen by death, resignation, or otherwise; and the



said trustees shall hold the property of said institution, solely for the purposes and advantages of education in said academy, and not as stock for the individual benefit of themselves, or any contributor to the endowment of the same; and no particular religious faith shall be required of those who become trustees or students, teachers, officers or servants of the said institution.

SEC. 4. Said institution shall be located in, or within one fourth of a mile of the town of Danville in the county of Vermillion, in said state; and the said trustees shall be competent in law or equity, to take to themselves and their successors in office, in their said corporate name, any estate, real or personal, or mixed, by the gift, grant, bargain and sale, conveyance, will, demise or bequest of any person or persons whomsoever; and the same estate whether real or personal, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of, for the use of said institution, in such manner as shall seem to them most beneficial to the institution; said trustees shall faithfully apply all funds collected, or the proceeds, according to their best judgment, in erecting and completing a suitable building or buildings, supporting the necessary officers, instructors, instructresses, and servants; and procuring books, maps, charts, globes, philosophical and other apparatus, necessary to the success of said academy: *Provided nevertheless*, That in case any donation, devise or bequest, shall be made for particular purposes, accordant with the design of this institution, and the corporation shall accept the same, every donation, devise, or bequest, shall be applied in conformity with the express conditions of the donor or deviser.

SEC. 5. The stockholders shall triennially elect a treasurer for said institution, who shall, before he enters upon the duties of his office, give a bond with approved security to the trustees of the Danville Academy, in such penal sum as they may require, for the due and faithful performance of his duty as treasurer; and in case of the death, removal, or refusal, or neglect to serve, as a treasurer for the time being, it shall be lawful for the trustees of the said academy, at any of their meetings, to appoint another treasurer instead of the one dying, removing, refusing, or neglecting to serve as aforesaid; to remain in office till the expiration of the time during which his predecessor was entitled to serve; and all process against the corporation, shall be by summons, and the service of the same, shall be by leaving an attested copy thereof with the treasurer, or at his usual place of abode, at least thirty days before the return thereof.

**Trustees to appoint a principal &c.** SEC. 6. The trustees shall have power to employ and appoint a principal for said institution, and all such instructors and instructresses, and also such servants as may be necessary; and shall have power to displace any, or either of them as they may deem the interest of the institution to require; to fill vacancies which may happen, by death, resignation, or otherwise, among said officers and servants.

**Vacancies.**

**Hold lands.**

SEC. 7. The lands within the bounds of the state, held in perpetuity by this corporation, shall not exceed forty acres at one time, and if donations in lands shall be made at any time to said corporation, the same may be received and held in trust by said board of trustees, and shall be sold within five years from the date of such donation, for the benefit of said institution; in failure whereof, the lands so given, shall revert to the donor or grantor of the same, or to their heirs; and the said board of trustees shall in no case, lease or rent out any lands so held, for a longer term than four years from the time of such donation or grant.

**Trustees.**

**Elections &c.**

SEC. 8. The trustees shall meet annually, and oftener if they think necessary, in the town of Danville, or at the academy, and shall appoint one of their body a clerk, who shall keep a faithful and correct record of all the proceedings of said trustees; they shall elect all of their officers, instructors, instructresses and servants, by ballot, and a majority of said trustees shall be sufficient to do business appertaining to the welfare of said institution.

**Stockholders.**

SEC. 9. That on the payment of ten dollars to the treasurer of said institution, every free white person shall be considered a stockholder, and be entitled to one vote; and that it shall be lawful for each and every stockholder for the time being, of said institution, his executors, administrators and assigns, to give, sell, devise, and dispose of their respective rights or shares in the said academy; and that their respective assignees, shall be stockholders of said institution, and shall be entitled to all the same rights and privileges in said institution, as the original stockholders are entitled to by this act: *Provided*, That a part of a right or share in said academy, shall not entitle the proprietor or owner thereof, to any privileges whatever in said institution.

**Proviso.**

**Commissioners.**

SEC. 10. That John Haworth, Dr. Thomas Heywood, George Barnett, Nicholas Van Deusin, Thomas Chennowith, Dr. John Woods, George Scarborough, Alexander McDonald, Oliver West, James Partlow, Dr. William Walters, Solomon Gilbert, Dan. W. Beckwith, Charles Martin, Thomas C. Forbes, Peleg Spencer, Samuel McRoberts, William E. Russell, and Amos Williams of Vermillion county; William Webber, and Moses Thomas of

Champaign county; Hugh Newell, and Isaac Cartwright of Iroquois county; and Milton K. Alexander, and Gideon Miner of Edgar county; and Charles S. Morton, and Joseph Van Deeren of the county of Coles, be, and they are hereby appointed commissioners, to solicit and receive subscriptions of stock to said institution, and give receipts for the same; and that when the sum of fifteen hundred dollars of stock is subscribed, said commissioners, or any three of them, shall be, and they are hereby authorised to give public notice for three weeks, in some public newspaper published in this state; and by posting up written notices in six of the most public places in the county, of the time of holding an election of trustees of the said institution; which said election shall be held at the court house in Danville, Illinois, Election held. between the hours of 12 M., and 6 P. M. on said day; and that the said commissioners or any three of them, be, and they are hereby appointed judges of said election. The second election for trustees, and every subsequent one, shall be held on the first Monday in October annually, at the academy, between the hours of 12 M. and 6 P. M., on said days. That each stockholder shall be required, at, or before the first election for trustees, to pay to said commissioners five dollars on each share by him or her so subscribed, and the residue in six months from the date of such election: Pay a certain portion. *Provided*, That any stockholder refusing or neglecting to pay the balance due on any share or shares, shall forfeit to said institution, the money paid on such share or shares so neglected.

SEC. 11. All elections for trustees shall be by ballot, with the name of the voter, or stockholder, written or printed on the ballot, and the number of shares of stock, he or she holds in said institution, and (after the first election,) shall be given to the treasurer or clerk of the board of trustees, a majority of whom shall act as the board of election. Elections.

SEC. 12. The said academy when erected and in operation, shall at times be open for the use and privilege of every free white person, within the United States, who may wish to be instructed by the instructors or instructresses employed by the trustees thereof: *Provided*, Said free white person will comply with the laws and bye-laws, and pay the sum affixed by said trustees, for the instruction of the students attending at the same: *Provided nevertheless*, That each and every stockholder in said institution, shall be entitled to the admission of one pupil in the same, for each and every share he or she may legally hold therein.

SEC. 13. That every free white person who may at any time tender the sum of ten dollars to the treasurer of the institution, it shall be his duty to accept the same, and give Money tendered.



the person so tendering the money a certificate of the same.

Attorney Gen-  
eral.

SEC. 14. If at any time this corporation shall act contrary to the provisions and intent of this charter, or shall in any manner abuse the powers herein granted, it shall be the duty of the attorney general, to file an information, in the nature of a quo warranto, for the purpose of vacating and annulling this act, and the powers herein granted; *Provided, however,* In case the charter is, in that event annulled and vacated, the trustees of the said institution, shall have the power of selling and disposing of all the property, real and personal, for the benefit of the stockholders; the proceeds of which, shall, by the said trustees, be paid over to the owners, within three years from the time of such sale and disposition; *And provided also,* That in case of neglect or refusal by said trustees, to pay over the money as aforesaid, within the time aforesaid, the stockholders may institute a suit, or suits, in law or equity, against such trustees jointly, who shall be liable to the amount of the real and personal property belonging to said institution, and costs of suit.

Elections.

SEC. 15. That in case it should happen that an election of trustees should not be made on any day, when, pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but that it shall be lawful, on any other day, to hold and make an election of trustees, in such manner as shall have been regulated by the bye-laws and ordinances of said corporation.

APPROVED, Jan. 15, 1836.

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*AN ACT to incorporate the Carmi Academy.*

In force 16th  
Jan. 1836.

Company in-  
corporated.

Name and style  
of incorpora-  
tion.

Trustees.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Frederick Wil-  
mans, Thomas Shannor, William Wilson, E. B. Webb,  
John M. Robinson, Josiah Stewart, Daniel Hay, and James  
Ratcliff, and their successors, be, and they are hereby crea-  
ted a body politic and corporate, to be styled and known  
by the name of "The Trustees of the Carmi Academy,"  
and by that style and name to remain and have perpetual  
succession. The said academy shall be, and remain at, or  
near Carmi in the county of White, and state of Illinois.  
The number of trustees shall not exceed twelve, one of

whom shall be president of the board, to be chosen by the trustees. For the present, the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

SEC. 2. The object of said corporation shall be the promotion of the general interests of education.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: to have perpetual succession, to make contracts, to sue and be sued, plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may, to accept, acquire, purchase or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects before mentioned; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United State or of this state, and to confer on such persons as may be considered worthy, such academical or honorary degrees, as are usually conferred by similar institutions.

Powers of said corporation.

Sue and be sued.

Confer degrees.

SEC. 4. The trustees of said corporation, shall have authority from time to time, to prescribe and regulate the course of studies to be pursued in said academy, to fix the rate of tuition, and other academical expenses; to appoint instructors, and such other officers and agents, as may be necessary in managing the concerns of the institution; to define their duties, to fix their compensation, and to displace or remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students.

Course of studies.

Books.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vaeancy which may occur in the board from death, removal, resignation, or any other cause; a majority of the trustees for the time being, shall be a quorum to do business.

Vacancies.

SEC. 6. It shall be the duty of said trustees, to appoint one of their number treasurer to the board, who shall be required to give bond with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the bye-laws may require of him.

Trustess.

SEC. 7. The said institution shall be open to all denom-

inations of christians, and the profession of any particular religious faith, shall not be required of those who become students; all persons however, may be suspended or expelled from said institution, by the trustees thereof, whose habits are idle or vicious, or whose moral character is bad.

Concerning  
corporation.

Proviso.

SEC. 8. The lands, tenements, and hereditaments, to be held in perpetuity by virtue of this act, by said corporation, shall not exceed six hundred and forty acres; *Provided however*, That if any donations, grants, or devises in land, shall from time to time be made to said corporation, over and above the said six hundred and forty acres, which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of five years from the date of any such donation, grant or devise; at the end of which time, if the said lands shall not have been sold by the said corporation, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

APPROVED, Jan. 16, 1836.

In force Jan.  
18. 1836.

*AN ACT to incorporate the Franklin Manual Labor  
College.*

Trustees incor-  
porated.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Calvin Bushwell, Royal Bullard, James Mathers, Abram Holderman, Eben M. Hills, Ezra Goodhu, Reuben Beach, Isaac Clark, James S. Murray, Isaac Scarrett, William H. Brown, sen., Isaac T. Hinton, Silas Meacham and Isaac Wilson, and their successors, be, and they are hereby created, a body politic and corporate, to be styled and known by the name of "The Trustees of the Franklin Manual Labor College," and by that name and style to remain, and have perpetual succession. The said college shall be located either in the county of Cook, or the county of La Salle, at the option of the said trustees. The number of trustees shall not exceed twenty-five, exclusive of the president, principal, or presiding officer of the college, who shall, *ex officio*, be a member of the board of trustees: no other instructor shall be a member of the board of trustees. For the present, the above named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

SEC. 2. The object of this corporation shall be the pro-



motion of the general interests of education, and to qualify young men to engage in the several employments and professions of society, and to discharge, honorably and usefully, the various duties of life. Objects of the corporation.

SEC. 3. The corporate powers hereby bestowed, shall be such only as are essential in the attainment of said object, and such as are usually conferred on similar bodies corporate, viz: to have perpetual succession; to make contracts; to sue and be sued, plead and be impleaded; to grant and receive in its corporate name; and to do all other acts as natural persons may; to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the above mentioned objects: to have a common seal, and to alter or change the same: to make such bye-laws for its regulation as are not inconsistent with the constitution or laws of the United States, or this state; and to confer on such persons as may be considered worthy, such academical and honorary degrees as are usually conferred by similar institutions. Corporate powers.

SEC. 4. The trustees shall have power, from time to time, to prescribe and regulate the course of study to be pursued in said college, and in the preparatory departments, if any attached thereto; to fix the rate of tuition, room rent, and other college expenses; to appoint instructors, professors, and such other officers and agents, as may be needed in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove either of the instructors, officers, or agents, as said trustees shall deem the interest of said college shall require: to fill all vacancies among the instructors, professors, officers and agents; to erect necessary buildings; to purchase books, and chemical and philosophical apparatus, and other suitable means of instruction: to put into operation a system of manual labor, for the purpose of lessening the expense of education, and promoting the health of the students: to make rules for the general management of the affairs of the college, and for the regulation of the conduct of the students; and to add, as the ability of the corporation shall increase, and the interests of the community shall require, additional departments, for the study of any or all of the liberal professions; *Provided, however* That nothing herein contained, shall authorise the establishment of a theological department in said college. Duties and powers of trustees.

SEC. 5. If any trustee shall be chosen president of said

Power to remove from office, &c.

college, his former place as trustee shall be considered as vacant, and his place filled by the remaining trustees. The trustees, for the time being, shall have power to remove any trustee from his office, as trustee, for any dishonorable or criminal conduct; *Provided*, That no such removal shall take place on account of religious opinions; nor without giving to such trustee notice of the charges exhibited against him, and an opportunity to defend himself before the board; nor unless that two-thirds of the whole number of trustees, for the time being, shall concur in such removal. The trustees, for the time being, in order to have perpetual succession, shall have power, as often as a trustee shall be removed from office, die, resign, or remove out of the state, to appoint a resident of this state, to fill the vacancy in the board. A majority of the board of trustees, for the time being, shall be a quorum to do business.

Funds, how applied.

SEC. 6. The trustees shall faithfully apply all funds collected, or hereafter to be collected for said college, according to their best judgment, in erecting suitable buildings; in compensating the necessary instructors, professors, officers and agents; in procuring books, maps, charts, globes, philosophical, chemical and other apparatus, necessary to aid in the promotion of sound learning, in said institution: *Provided*, That in case any donation, devise, or bequest, shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise, or bequest, shall be expressly applied in conformity with the condition of the donor, or devisor; *Provided, also*, That lands donated or devised, as aforesaid, shall be sold or disposed of, as required by the ——— section of this act.

Treasurer shall give bonds.

SEC. 7. The treasurer of said college, always, and all other agents, when required by the trustees, before entering upon the duties of their respective offices, shall give bonds for the security of the corporation, in such penal sums, and with such sureties, as the board of trustees shall approve. And all process against the corporation shall be by summons, and the service shall be by leaving an attested copy thereof with the treasurer, or at his office, or place of abode, at least thirty days before the return day thereof.

College open to all denominations of Christians.

SEC. 8. The said college, and the preparatory departments thereof, shall be equally open to all denominations of Christians, and the profession of any particular religious faith, shall not be required of those who become students. Any student, however, may be suspended, or expelled from said institution, whose habits are idle or vicious, or whose moral character is bad.

SEC. 9. The lands, tenements, and hereditaments, to be

held in perpetuity, in virtue of this act, by said corporation, shall not exceed six hundred and forty acres; *Provided, however,* That if donations, grants, or devises in land, shall, from time to time, be made to said college, over and above said six hundred and forty acres, which may be held in perpetuity, as aforesaid, the same may be received and held by said trustees, for the period of three years, from the date of every such donation, grant, or devise; at the end of which time, if the said lands, over and above the six hundred and forty acres, shall not have been sold by said college, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or their heirs.

Real estate  
owned by the  
trustees.

APPROVED, Jan. 16, 1836.

*AN ACT to incorporate the Burnt Prairie Manual Labor Seminary.*

In force Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Incorporated, represented in the General Assembly, That George Borah, Woods, M. Hamilton, James Miller, Morgan Wallace, Abisha Goodrich, Joseph Campbell and Anthony L. Hamilton, be, and they are hereby created a body politic, by the name and style of the "Trustees of the Burnt Prairie Manual Labor Seminary," and by that style and name to have perpetual succession. The said seminary shall be located on the north half of the north-west quarter of section twenty-four, and the south-east quarter of the south-west quarter of section thirteen, town three south, range eight east, in the district of lands offered for sale at Shawneetown. Location.

SEC. 2. The corporate powers hereby bestowed, shall Their powers. be such as are usually conferred on similar bodies corporate, to wit: to have perpetual succession, to make contracts, to sue and be sued, plead and be impleaded, to grant and receive by its corporate name, and to do all other acts and things as a natural person may; acquire, purchase, or sell property, real or personal, and in all lawful ways, to use, employ, manage, and dispose of the same; to have a common seal, to alter and change the same; to make such by-laws for its regulations, as are not inconsistent with the constitution and laws of the United States, or of this state.

SEC. 3. The trustees of said seminary shall have authority, from time to time, to prescribe the course of studies to be pursued in the said institution, the amount of labor to be required of the students thereof; to fix the rate of tu- To prescribe course of study and amount of labor.



Appoint in-  
structors, &c. ition, and other academic expenses; to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the said institution; to define their duties, fix their compensation, and to displace or remove them.

Fill vacancies. SEC. 4. The trustees, for the time being, in order to have perpetual succession, shall have power to fill any vacancies which may occur in their number, from death, removal out of the counties of Wayne or White, resignation, or any other cause. A majority of the trustees, for the time being, shall be a quorum to do business, and they shall have power to increase their number to any amount, not exceeding twelve; *Provided*, That two-thirds of the trustees, for the time being, shall concur in the appointment of the trustees to be added.

Quorum.  
Proviso.  
Appoint a treasurer, who shall give bond. SEC. 5. It shall be the duty of said trustees to appoint one of their number treasurer to the board, who shall be required to give bond, with sufficient surety, conditioned for the faithful performance of such duties as may be required of him, by the bye-laws.

Open to all denominations. SEC. 6. The said institution shall be open to all denominations of Christians, and the profession of any particular religious faith, shall not be required of those who become students.

May hold lands  
Proviso. SEC. 7. The lands and tenements to be held in perpetuity, by virtue of this act, shall not exceed six hundred and forty acres; *Provided, however*, That if any donations, grants, or devises in land, shall, from time to time, be made to said corporation, over and above the six hundred and forty acres which may be held in perpetuity, as aforesaid, the same may be received and held by said corporation, for the period of five years, from the date of any such donation, or grant, or devise, at the end of which time, if the said lands shall not have been sold by the said corporation, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the said devisor.

APPROVED, Jan. 15, 1836.

In force, Jan.  
12, 1836.

### *AN ACT to incorporate McDonough College.*

Company in-  
corporated SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William M. Bailley, Charles Hayes, Moses Hinton, William Proctor, James McCrosky, Joseph G. Walker, George Miller, John M.

Walker, Saunders W. Campbell and Alexander Campbell, and their successors, be, and they are hereby created, a body corporate and politic, by the name of the "Trustees of McDonough College," and by that style and name, to remain, and perpetual succession. The college shall be located at or near Macomb, in said county. The number of trustees shall not exceed fifteen, exclusive of the president, principal, or presiding officer of the college, who shall, ex officio, be a member of the board of trustees. For the present, the aforesaid individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their discretion.

Location.

Number of trustees.

SEC. 2. The object of said incorporation, shall be the promotion of the general interests of education, and to qualify young men to engage in the several employments and professions of society, and to discharge honorably and usefully the various duties of life.

Object of incorporation.

SEC. 3. The corporate powers hereby bestowed, shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, viz: to have perpetual succession, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may: to accept and acquire, purchase or sell property, real, personal, or mixed; in all lawful ways to use, employ, manage, and dispose of such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects aforesaid: to have a common seal, and to alter or change the same: to make such bye-laws as are not inconsistent with the constitution and laws of the United States, and this state; and to confer on such persons as may be considered worthy, such academical or honorary degrees, as are usually conferred by similar institutions.

Powers.

SEC. 4. The trustees of said college, shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said college, and in the preparatory department attached thereto; to fix the rate of tuition, room rent, and other college expenses; to appoint instructors, and such other officers and agents, as may be needed in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove either of the instructors, officers, and agents, or all of them, as said trustees shall deem the interest of said college requires; to fill all vacancies among said instructors, officers, and agents; to erect necessary buildings; to purchase books, and chemical and philosophical apparatus, and other suitable means of instruction.

Trustees to prescribe and regulate studies, &amp;c.

tion; to put in operation a system of manual labor, for the purpose of lessening the expense of education, and promoting the health of the students; to make rules for the general management of the affairs of the college, and for the regulation of the conduct of the students; and to add, as the ability of the said corporation shall increase, and the interest of the community shall require, additional departments for the study of any or all of the liberal professions; *Provided, however,* That nothing herein contained, shall authorise the establishment of a theological department in said college.

Proviso.

Vacancies.

Removal.

Proviso

Fill vacancies.

Quorum.

Duty.

Proviso.

Proviso.

Bonds.

SEC. 5. If any trustee shall be chosen president of the college, his former place as trustee, shall be considered as vacant, and his place filled by the remaining trustees. The trustees, for the time being, shall have power to remove any trustee from office, for any dishonorable or criminal conduct; *Provided,* That no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity to defend himself before the board; nor unless two-thirds of the whole number of trustees, for the time being, shall concur in such removal. The trustees, for the time being, in order to have perpetual succession, shall have power, as often as a trustee shall be removed from office, die, resign, or remove out of the state, to appoint a resident of this state, to fill the vacancy in the board of trustees, occasioned by such removal from office, death, resignation, or removal from the state. A majority of the trustees, for the time being, shall be a quorum to do business.

SEC. 6. The trustees shall faithfully apply all funds by them collected, according to their best judgment, in erecting suitable buildings, in supporting the necessary instructors, officers, and agents; in procuring books, maps, charts, globes, philosophical, chemical, and other apparatus, necessary to aid in the promotion of sound learning in the institution; *Provided,* That in case any donation, devise, or bequest, shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise, or bequest, shall be applied in conformity with the express condition of the donor, or devisor; *Provided, also,* That lands donated, or devised, as aforesaid, shall be sold, or disposed of, as required by the last section of this act.

SEC. 7. The treasurer of said college, always, and all other agents, when required by the trustees, before entering upon the duties of their appointments, shall give bonds, respectively, for the security of the corporation, in such penal sum, and with such securities as the board of trustees shall



approve. And all process against said corporation, shall be by summons, and the service of the same, shall be by Process, leaving an attested copy with the treasurer of the college, at least thirty days before the return day thereof.

SEC. 8. The said college and its preparatory departments, shall be open to all denominations of Christians; and the profession of any particular religious faith, shall not be required of those who become students: all persons, how- College to be open to all. ever, may be suspended or expelled from said institution, Expulsion. whose habits are idle, or vicious, or whose moral character is bad.

SEC. 9. The lands, tenements, and hereditaments, to be Restriction. held in perpetuity, in virtue of this act, by said institution, shall not exceed six hundred and forty acres; *Provided,* Proviso. *however,* That if donations, grants, or devises in land, shall, from time to time, be made to said corporation, over and above six hundred and forty acres, which may be held in perpetuity, as aforesaid, the same may be received and held by such corporation, for the period of three years from the date of every such donation, grant, or devise; at the end of which time, if the said lands, over and above the six hundred and forty acres, shall not have been sold, then, and in that case, the said lands so donated, granted, or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same.

APPROVED, Jan. 12, 1836.

*AN ACT to incorporate the Chatham Manual Labor School.* In force, Jan. 9, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Trustees incor-  
porated. *represented in the General Assembly,* That Dewey Whitney, Luther N. Ransom, William Thornton, Job Fletcher, Esq. Josiah Barrows, Cornelius Lyman, William Meeter, Esq. John G. Bergen, James L. Lamb, John Todd, Thomas Moffit, Esq. and Joseph Thayer, be, and hereby are created a body corporate, to be styled the "Trustees of the Chatham Manual Labor School, of Illinois," with full Nature of power to acquire, hold and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity, to make, have and use a common seal, and the same to break, alter or destroy at pleasure, and said trustees shall never exceed the number of twelve. But is expressly declared, that the powers hereby given shall not be used or construed, to extend to the con-

tracting for or acquiring, any property, real, personal, or mixed, or for dealing any otherwise, than in such things as may be necessary and proper for the purposes of an institution of learning; and the whole property and estate of said corporation, shall be applied exclusively, and solely to that purpose, and said corporation shall not deal in exchange, discount of notes, or in commercial business or pursuits.

Location.

SEC. 2. *Be it further enacted*, That the Chatham Manual Labor School of Illinois, shall be located on Lick creek prairie in Sangamon county, and within the bounds of township fourteen and range six west of the third principal meridian; and all the moneys, funds, and estate hereby vested, in the trustees thereof, or which may be hereafter acquired by them in their corporate capacity shall be held, used and employed for corporate purposes only.

Power of the Trustees.

SEC. 3. *Be it further enacted*, that the before named trustees, shall have power to fill all vacancies in their own body, to appoint a chairman of their board, a president and professors, and such other officers and servants under them, as they deem necessary and proper, to hold these offices under such rules and regulations, as the said trustees may prescribe, and to make, allow and pay to the president, professors, and other officers and servants, such reasonable compensation for their services, as to the said trustees, may seem right and proper, and the said trustees shall have full power, and authority to make bye-laws, rules and regulations, for the better government of said school as they may judge expedient, and the same to annul, alter or amend at pleasure; *Provided*, said bye-laws, rules and regulations be not repugnant to the laws of this state or inconsistent with the principles laid down in this act as fundamental laws for the government of said school, and the said trustees shall have full power to do and perform any lawful matter or thing which they may deem conducive to the good of the institution, and consistent with the state of the funds thereof.

Provide

Laws of said corporation.

SEC. 4. *Be it further enacted*, that the following principles and rules, be the fundamental laws of said corporation viz:

First. The said trustees and other officers before they enter upon the duties of their offices; shall severally take the following oath or affirmation before some court of record or justice of the peace to wit: I, A. B. do solemnly swear, (or affirm) that I will to the best of my skill and judgment discharge the duties of \_\_\_\_\_ in the Chatham Manual Labor School of Illinois, according to the provisions of their charter.

Majority to constitute a board.

Second. A majority of the trustees shall constitute a board, competent to make pro tempore appointments, and

the transaction of all business, except the permanent appointment or removal of officers, in which case a concurrence of two thirds of the whole board shall be necessary.

Third. The board of trustees shall have the entire control, of the system of manual labor, and shall determine the proportion of labour of each student, and no student shall be received as a regular member of the school, unless he submits to the performance of such an amount of labor as is enjoined by the trustees, and the trustees shall account to each student, for such labor, which shall be appropriated to the discharge of his expenses in said school.

Shall have control of the system of labor.

Fourth. No religious doctrine peculiar to any one sect of christians, shall be inculcated by any professor in said school; but said institution shall at all times be conducted, upon free, liberal and enlightened principles, and no student shall be excluded, in consequence of his religious opinions, or those of his parents, guardians, or relations.

No peculiar religious doctrine to be inculcated

SEC. 5. *Be it further enacted*, that it shall and may be lawful for the trustees of said school, to receive, acquire, hold and procure, from any individual, or society, religious or otherwise, donations, gifts or bequeaths, of any sum or sums of money, books, maps, charts, philosophical apparatus, or estate of any kind, which shall be applied, wholly and exclusively to the uses and purposes that now be specially designated by the donors respectively, or to the establishment and maintenance of one or more professorships of theology, law or medicine, or other professorships, to be appointed by the donors, to be separate and distinct from the internal concerns of said school; *Provided*, that the fundamental law of said school which forbids doctrines, peculiar to any one sect of christians, to be taught by any professor in said school, shall remain, unchanged and inviolate, except in the theological department, of which he is professor, where he or they hold any other professorships in said school; each and every department of theology, law or medicine or other professorships, that may be established, shall remain as to the internal concerns separate and distinct from the literary department, and shall at all times, regulate their own affairs, without interfering with, or being interfered with in any way, with the bye-laws or statutes of the school, or of any department thereof; and the privilege is hereby secured to each and every denomination of christians, to establish a professorship of theology, in said school, they severally furnishing the funds necessary for its support.

May accept of donations.

Each denomination of christians may establish theological departments.

SEC. 6. *Be it further enacted*, that the first meeting of the trustees hereby appointed, shall be held at the dwelling house of Dewey Whitney on the first Monday in April, or so soon thereafter as may be convenient and the said trus-

Meeting of trustees.



tees shall have at least one stated meeting in every year, and should any trustee hereby appointed, or hereafter to be chosen, refuse to serve or fail to be qualified for the space of six months after notification of his appointment, or after qualification shall fail to attend the meeting of the board for the term of one year, the seat of such trustee or trustees shall be declared by the board to be vacant and they may proceed to fill the vacancy as heretofore provided.

Real estate.

SEC. 7. The lands, tenements, hereditaments to be held in perpetuity, in virtue of this act, by said corporation shall not exceed one thousand acres; *Provided*, however that if donations, grants or devises in land, shall from time to time, be made to said corporation, over and above said one thousand acres, which may be held in perpetuity as aforesaid, the same may be held and received by the said corporation for the period of five years, from the date of every such donation grant or devise, at the end of which time, if the said lands, over and above the said one thousand acres, shall not have been sold by said corporation, then and in that case, the lands so donated, granted or devised, shall revert to the donor, grantor, or the heirs of the devisor of the same; *Provided*, that if at any time, said corporation shall act contrary, to the provisions of this charter, or fail to comply with the same, it shall be the duty of the circuit attorney in and for the Sangamon circuit, to issue a scire facias to repeal this charter.

APPROVED, Jan. 9, 1836.

In force Jan.  
16, 1836.

*AN ACT to incorporate the President and Trustees of the Mount Carmel Academy.*

Incorporation.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the persons hereinafter to be elected, pursuant to the provisions of this act, and their successors, be, and they are hereby created a body politic and corporate, to be styled the "President and Trustees of the Mount Carmel Academy," and in that name to remain in perpetual succession, with power to sue and be

Powers.

sued, plead and be impleaded, to acquire, hold and convey property, real and personal; to have and to use a common seal, and the same to break, alter, and renew at pleasure; to make and alter from time to time, such byc-laws as they may deem necessary for the government and regulation of

the said institution, its officers, servants and property; *Provided*, Such bye-laws be not inconsistent with the constitution and laws of this state, or of the United States.

SEC. 2. The president and trustees of the said institution, <sup>President and Trustees.</sup> shall be citizens of this state, and stockholders in the said corporation; and the trustees shall consist of six persons, who, together with the President, shall be elected by the stockholders, annually, on the first Monday of January in each and every year, and shall hold their offices until their successors are duly elected and qualified. The elec- <sup>Elections.</sup> tions shall be held at the court house in Mount Carmel, until the academy shall be fitted for holding the elections therein; after which, all elections shall be held at the said academy. All elections for officers shall be by ballot, and <sup>By ballot.</sup> may be made personally or by proxy, and conducted in such manner as shall be directed by the bye-laws.

SEC. 3. The stockholders shall have power at special <sup>Powers.</sup> elections, to be called by the president and trustees, or a majority of them, for that purpose, to fill all vacancies that may happen in the said board of president and trustees, by occasion of death, removal, resignation or otherwise.

SEC. 4. The president and trustees, before entering upon <sup>Take oath.</sup> the discharge of their duties, shall severally take and subscribe an oath or affirmation, before some competent officer, to support the constitution of this state, and of the United States, and well and faithfully to perform the duties of their respective offices, to the best of their skill and ability.

SEC. 5. The said president and trustees, shall hold the <sup>Powers.</sup> property of the said institution, solely for the purposes and advantages of education, and the promotion of literature and science in the said academy; and not as a stock for the individual profit and benefit of themselves, or of any contributor to the endowment of the same; and no particular religious faith shall ever be required of those who become president and trustees, students, pupils, teachers, officers, or servants of the said institution.

SEC. 6. Said institution shall be permanently located in, or within one quarter of a mile of the corporate bounds of the borough of Mount Carmel, in Wabash county in this state; and the said president and trustees, shall be competent in law and in equity, to take to themselves and their successors in office, in their said corporate name and capacity, any estate, real, personal and mixed, by the gift, <sup>Hold estate.</sup> grant, bargain and sale, conveyance, will, devise or bequest, of person or persons, or body corporate and politic whatsoever; and the same estate, whether real or personal, to grant, bargain and sell, convey, demise, let, place out on

interest, or otherwise dispose of, for the sole and separate use and benefit of the said institution, in such manner as shall seem to them most beneficial to the interests of said institution. The said president and trustees, shall faithfully apply all funds by them collected and received, according to the best of their judgment, in erecting and completing a suitable building or buildings, supporting the necessary officers, instructors and servants, and in procuring books, maps, charts, globes, philosophical and other apparatus, necessary to the success of said academy; *Provided, nevertheless,* That in case any donation, devise or bequest, shall be made to the said corporation, for a particular and specific purpose or purposes, not incompatible with the designs of this institution, and the corporation shall accept the same, every such donation, devise or bequest, shall be applied in conformity with the express conditions prescribed by the donor or devisor.

**SEC. 7.** The president and trustees, shall annually, and as soon as convenient after their own election and qualification into office, elect a treasurer and secretary, of the board of president and trustees of the said corporation, who shall each be stockholders therein; and who, when elected and qualified, shall continue in office until their successors are elected and qualified. The treasurer, before he enters on the duties of his office, shall execute a bond with approved security, to the president and trustees of the Mount Carmel Academy, in such penal sum as they may require, conditioned for the due and faithful performance of his duty as treasurer; and in case of the death, removal, or refusal, or neglect to act of the treasurer for the time being, it shall be lawful for the president and trustees, at any of their meetings, to appoint another treasurer, instead of the one dying, removing, refusing, or neglecting to act as aforesaid, to remain in office till the expiration of the time during which his predecessor was entitled to serve; and all processes against the said corporation, shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, or at his usual place of abode, at least twenty days before the return thereof. Both the treasurer and secretary, shall, before entering upon the duties of their offices, take an oath or affirmation, faithfully to fulfil the duties thereof respectively.

**SEC. 8.** The president and trustees, shall have power to employ and appoint a principal for said institution; and all such instructors and instructresses, and also such servants as may be necessary; and shall have power to displace any or either of them, as they may deem the interest



of the institution, and the cause of education therein to require; and to fill vacancies that may happen by death, resignation, or otherwise, among said officers and servants.

SEC. 9. The lands within the jurisdiction of this state, held in perpetuity by the said institution, shall not exceed eighty acres, at any one time; and if donations in lands shall be made at any time to said corporation, the same may be received and held in trust, by the said president and trustees, and shall be sold within five years from the date of such donation, for the benefit of said institution; and in failure whereof, the lands so given, shall revert to the donor or grantor of the same, or to their heirs; and the said president and trustees, shall in no case lease or rent out any land so held in trust, for a longer time than four years from the time of such donation or grant. Lands held.

SEC. 10. The president and trustees shall meet semi-annually, or oftener, if they shall deem proper, at the academy, after the same shall be erected; and it shall be the duty of the secretary, to attend all the meetings of the board, and keep and preserve a fair and correct record of their proceedings. A majority of the board shall constitute a quorum for the transaction of the business appertaining to the institution; *Provided*, That the votes of a majority of the whole board, shall be necessary to elect any officer, instructor, or servant thereof. Meet semi-annually.  
Quorum.

SEC. 11. That on the payment of ten dollars to the treasurer of the said institution, every free white person residing within the state, shall be considered a stockholder, and shall be entitled to one vote; and it shall be lawful for each and every stockholder for the time being of the said institution, his or her executors, administrators, or assigns, to give, sell, devise, and dispose of their respective rights or shares in the said academy, and that their respective assignees shall be stockholders of said institution, and shall be entitled to all the rights and privileges in said institution, as the original stockholders are entitled to by this act; *Provided*, That a part of a right or share, shall not entitle the proprietor or owner thereof, to any privilege whatsoever in said institution. Stockholders.  
Proviso.

SEC. 12. That Stephen Bliss, Thomas S. Hinde, Moses Beddle, Seth Guard, Joshua Beall, Cyrus Danforth, Ephraim Pharr, Hiram Bell, Scoby Stewart, Doct. Jacob Leshner, John Tilton, Abner Armstrong, James H. Beall, Doct. Ezra Baker, and William Eldridge of the county of Wabash, be, and they are hereby appointed commissioners, to solicit and receive subscriptions of stock to said institution, and give receipts for the first instalment, to be paid on subscription; and when the sum of one thousand dollars

Elections.

shall be subscribed for, the said commisssoners, or any three of them, are hereby authorized to give public notice, by posting up advertisements at six of the most public places in the said county, of the time and place of holding an election for president and trustees of said institution; which said election, shall be held at the court house in Mount Carmel, between the hours of 12 o'clock M., and 6 o'clock P. M. on said day; and that the said commissioners, or any three of them, are hereby appointed judges of said election, and authorized and empowered to hold the same. The second election, and every subsequent one, shall be held on the first Monday in January, annually, at the academy, when erected, between the hours of 12 o'clock M., and 6 o'clock P. M. of said day. That each stockholder shall be required at the time of subscribing, or at, or before the first election for president and trustees, to pay to the commissioners, the sum of two dollars on each share by him or her subscribed, and the residue at such time or times as the president and trustees shall direct and require; *Provided*, That any stockholders neglecting or refusing to pay the balance due on any share or shares, shall forfeit to said institution, the money previously paid on such share or shares so neglected.

Proviso

Elections.

SEC. 13. All elections for president and trustees, shall be by ballot, with the name of the voter or stockholder, written or printed on the ballot, and the number of the shares of stock he or she may hold in said institution, and shall be given to the treasurer or secretary of the board, or to the president and trustees; any three of whom shall, and may act as the board of election.

Academy open  
to free white  
persons.

SEC. 14. The said academy, when erected and in operation, shall at all times be open for the use and privilege of every free white person, within the United States, who may wish to be instructed by the instructors and instructresses, employed by the president and trustees thereof; *Provided*, Said free white person will comply with the laws and by-laws of the said institution, and pay the sums fixed by the president and trustees, for the instruction of the students or pupils attending at the same; *Provided nevertheless*, That each and every stockholder in said institution, shall be entitled to the admission of one pupil or student in the same, for each and every share he or she may legally hold therein.

Proviso.

Further proviso

Election.

SEC. 15. That in case it should so happen that an election for president and trustees, should not take place on any day, when, pursuant to this act the same should be held, the said corporation shall not for that cause be deemed to be dissolved, but that it shall be lawful on any other day

to hold an election, in the place of the one omitted to be held, in such manner as shall be prescribed by the bye-laws and ordinances of said corporation.

SEC. 16. This act shall be in force from and after its passage.

APPROVED, Jan. 16, 1836.

*AN ACT to incorporate the Trustees of the Bloomington Female Seminary of Learning.* In force Jan. 9, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Body incorpo-  
rated.  
*represented in the General Assembly, That William T. Major, John F. Henry, James Allen, James Miller, John W. S. Moore, Jesse W. Fell, and Benjamin Depew, and their successors be and they are hereby created a body politic and corporate to be styled and known by the name of "The Trustees of the Bloomington Female Seminary of Learning," and by that name to remain and have perpetual succession. The said seminary of learning shall remain located at or near the town of Bloomington, McLean county Illinois; the number of trustees shall not exceed fifteen for the present, the above named individuals, shall constitute the board of trustees who shall fill the remaining vacancies at their discretion.* Name.  
  
Where to be  
located.  
  
Number of  
trustees.  
Trustees.

SEC. 2. The object of said corporation shall be the promotion of the general interests of education, and to qualify young females for the honorable and useful discharge of the various duties of life. Object of the  
incorporation.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object and such as are usually conferred on similar bodies politic, viz: to have perpetual succession, to make contracts, to sue and to be sued, plead and be impleaded, to grant and receive by its corporate name, and do all other acts that natural persons may, to accept, acquire, purchase, or sell property, real or personal and mixed in all lawful ways, to use, employ, manage, and dispose of all such property and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to the promotion of the aforesaid object; to have a common seal, and to alter and change the same, to make such bye-laws for its regulations as are not inconsistent with the constitution and laws of the United States or of this state. Powers.  
  
To have per-  
petual succes-  
sion.  
Power.

SEC. 4. The trustees of said corporation shall have au-



**Powers.** thorty from time to time, to prescribe and regulate the course of studies to be pursued in said institution, and in the preparatory departments attached thereto; to fix the rate of tuitions, room rent, and other expenses of the institution, to appoint instructors, and such other officers, and agents, as may be needed in managing the concerns of said institution, to define their powers, duties and employments, to fix their compensation, to displace, and remove either of the instructors, agents, and officers as said trustees shall deem, the interest of said institution may require, to fill all vacancies among said instructors, officers or agents; to erect necessary buildings, to purchase necessary books, chemical and philosophical apparatus, and other suitable means of instruction, to make rules for the general management of the affairs of the institution, and for the regulation of the conduct of the students.

**To purchase books and make rules.**

**Trustees may remove a trustee.** **Proviso** SEC. 5. The trustees for the time being shall have power to remove any trustee from his office as such, for any dishonorable, or criminal conduct; *Provided*, that no such removal shall take place without giving to such trustee notice of the charge or charges against him, and an opportunity to defend himself before the board, nor unless that two thirds of the whole number of trustees for the time being shall concur in such removal. The trustees for the time being in order to have perpetual succession, shall have power as often as a trustee or trustees shall be removed from office, die, resign or remove out of the state, to appoint a resident of this state, to fill the vacancy occasioned as aforesaid. A majority of the trustees, for the time being shall be a quorum to do business.

**Vacancies.**

**Powers granted** SEC. 6. The trustees shall faithfully apply all funds by them collected, or hereafter collected according to their best judgment in erecting suitable buildings, in supporting the necessary instructors, officers, and agents, in procuring books, maps, charts, globes, philosophical, chemical and other apparatus necessary to aid in the promotion of sound learning in said institution; *Provided*, that in case any donation, devise or bequest shall be made for particular purposes, accordant, with the objects of said institution, and the trustees shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of said donor, or devisor.

**Proviso.**

**Powers to hold lands.** SEC. 7. The said corporation shall have power in their corporate character, as trustees aforesaid and for the exclusive use and benefit of said institution, to hold in perpetuity, to them and their successors forever, any lands, tenements and hereditaments not exceeding forty acres, which may be vested in them by gift, grant, donation or devise; *Provided*, that if donations, grants, or devises in land shall from time to time

**Proviso**

be made to said corporation of more than said forty acres of land to be held in perpetuity, the same may be received and held by said corporation for the period of three years from and after the date of said donation, grant, or devise, at the end of which time if the said land over and above said said forty acres shall not have been sold by said corporation, then and in that case said land so donated, granted or devised as aforesaid, shall revert to the donor, grantor or the heirs of the deviser of the same; *Provided*, that said corporation shall have the right within the period of said three years, to sell and dispose of, for the use and benefit of said institution the aforesaid land, over and above said forty acres so given, granted or devised as aforesaid. Proviso.

SEC. 8. The treasurer of said institution always and other agents when required by said trustees, before entering upon the duties of their appointments, shall give bonds for the security of the corporation in such penal sums with such securities as the board of trustees shall approve; and all process against said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer of said institution at least thirty days before the return day thereof. Treasurer to give bond and security.  
Process.

SEC. 9. The said institution and its preparatory department, shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students, all persons however may be suspended or expelled from said institution whose habits are idle or vicious, or whose moral character is bad. Institution to be open to all denominations.

APPROVED, Jan. 9, 1836.

*AN ACT to locate a State Road from Rushville in Schuyler county, to Commerce in Hancock county.* In force, Jan. 15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Green and John Ritchey of Schuyler county, and Isaac Briggs of Hancock county, be, and they are hereby appointed commissioners, to view, mark, and locate, a road from Rushville in Schuyler county, the nearest and best route, running into Hancock county, at or near the south east corner of township four north, five west; thence to Carthage. the seat of justice of Hancock county; thence to the town of Commerce on the Mississippi river, having in view its permanency, and a due regard to the public convenience, doing as little private injury as possible. Commissioners appointed.

When and where to meet. SEC. 2. The said commissioners shall meet on the first Monday in March next, or as soon thereafter as practicable, at Rushville in Schuyler county; and after being duly sworn, To be sworn. before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road; and as soon as practicable To report. thereafter, cause to be made out a report, of the location of said road, designating the most noted points thereon, and return a copy of the same, to the clerk of the county commissioners' court of each of said counties, which, shall be by him filed in his office, and said road thus laid out, shall be, and is hereby declared a public state road; and shall be opened, and kept in repair, in the same manner, as other public roads are.

Commissioners entitled to assistance. SEC. 3. The said commissioners or a majority of them shall be authorised to proceed and lay out said road as required by this act, and call to their assistance such other help as may be necessary for the location of the same; and the county commissioners of said counties shall allow said commissioners, and such other hands as they may necessarily employ to assist them; a sum not exceeding one Compensation. dollar and fifty cents each, for every day necessarily employed in locating said road; to be paid equally, out of the county treasury of each of said counties, where the said commissioners shall have filed a copy of the report, as recited in this act, duly certified and attested by them.

APPROVED, Jan. 15, 1836.

In force Jan. 9, 1835.

*AN ACT to incorporate the Alton Female Institute.*

Company incorporated. SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Hubbel Loomis, Benjamin F. Edwards, George Haskell, John M. Peck, George Smith, Cyrus Edwards, John Bostwick, and Albert G. Sloo, and their successors, be, and they are hereby created a body politic and corporate, to be styled the "Trustees of the Alton Female Institute," and in that name to remain in perpetual succession, with power to sue and be sued, Name & style. plead and be impleaded; to acquire, hold and convey property, real and personal; to have and use a common seal; to alter the same at pleasure; to make and alter from time to time, such bye-laws as they may deem necessary for the government of said institution, its officers and servants: Powers of corporation. *Provided, Such bye-laws are not inconsistent with the con-*

PROVISO.



stitution and laws of this state, or of the United States.

SEC. 2. For the managing of the affairs of the said institution, there shall be chosen from among the subscribers thereto, a number of trustees not exceeding fifteen; and the trustees so chosen, shall have power to fill such vacancies in their own body, as may happen by death, resignation, or otherwise; and shall hold the property of said institution solely for the purposes of female education, and not as a stock for the individual benefit of themselves, or of any contributor to the endowment of the same; and no particular religious faith shall be required of those who become trustees or students of the institution.

Powers of  
Trustees.

SEC. 3. Said institution shall remain located in or near Upper Alton, in the county of Madison; and the trustees shall be competent in law and equity, to take to themselves and their successors in office, in their said corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain and sale, conveyance, will, devise, or bequest of any person or persons whomsoever; and the same estate, whether real or personal, to grant, bargain, sell and convey, demise, let, place out at interest, or otherwise dispose of the same for the use of said institution, in such manner as to them may seem most beneficial to said institution; said trustees shall faithfully apply all funds collected, or the proceeds of the property belonging to said institution, according to their best judgment, in erecting and completing suitable buildings, supporting the necessary officers, instructors and servants, and procuring books, maps, charts, globes, philosophical and other apparatus, necessary to the success of said institution: *Provided nevertheless*, That in case any donation, devise or bequest, shall be made for particular purposes, accordant with the design of this institution, and the corporation shall accept the same; every such donation, devise or bequest, shall be applied in conformity with the express conditions of the donor or devisor: *And provided further*, That said corporation shall not be allowed to hold more than six hundred and forty acres of land at one time, unless the said corporation shall have received the same by gift, grant, or devise; and in such case, they shall be required to sell or dispose of the same within three years from the time they shall acquire such title, and on failure to do so, said land shall revert to the original donor, grantor, devisor, or their heirs.

Location and  
powers.

Proviso.

Further provi  
so.

SEC. 4. The treasurer of the institution always, and all other agents, when required, before entering on the duties of their appointment, shall give bonds for the security of the corporation, in such penal sum, and with such securities as the board of trustees shall approve; & all processes against

Treasurer give  
bond.

the corporation shall be by summons, and service of the same shall be by leaving an attested copy thereof with the treasurer, at least thirty days before the return thereof.

Trustees power

SEC. 5. The trustees shall have power to employ and appoint a principal for said institution, and all such instructors and instructresses, and also such servants as may be necessary; and shall have power to displace any or either of them, as they may deem the interest of the institution requires, to fill vacancies which may happen by death, resignation, or otherwise, among said officers and servants; and to prescribe and direct the course of study to be pursued in said institution.

Corporation.

SEC. 6. If at any time the corporation shall act contrary to the provisions of this act, or shall in any manner abuse the powers herein granted, it shall be the duty of the attorney general to file an information in the nature of a *quo warranto*, for the purpose of vacating and annulling this act and the powers herein granted.

APPROVED, Jan. 9, 1836.

In force, Jan.  
15, 1836.

*AN ACT to amend an act entitled "an act to change the corporate powers of the town of Chicago."*

Powers to lease  
limited to five  
years.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* so much of the sixth section of the act, to which this is an amendment, relating to the power of the trustees of said town, to lease the wharfing privileges, shall not be so construed as to empower said trustees to create, or make any lease of said privileges, for any one term longer than five years; nor shall any lease as aforesaid, be so construed as to give any lessee power to erect any dwelling, store house or other building, than a wharf, for loading or unloading goods, wares, merchandise, or other articles, on said wharfing privilege; and all houses, buildings, stores, and outhouses, hereafter erected upon any ground, or land, situate, lying and being between the south line of south water street, and the north line of north water street in said town, as laid out by the commissioners of the Illinois and Michigan canal, shall be deemed nuisances, and may and shall be abated: *Provided*, In no case shall said trustees have, use or exercise the right of leasing or disposing of any wharfing privilege, which may be in front of any lot or lots owned by any

Proviso.

individual or individuals; or in front of any lot or lots, belonging to the state, or to the canal.

SEC. 2. That so much of the sixth section of the act to <sup>Act repealed.</sup> which this is an amendment, as empowers the trustees to levy and collect taxes upon all real estate within the town, not exceeding the one half of one per centum upon the assessed value thereof, be, and the same is hereby repealed; and the said trustees shall have power to levy and collect <sup>Powers.</sup> taxes upon all real estate within the town, not exceeding the one fourth of one per centum upon the assessed value thereof.

APPROVED, Jan. 15, 1836.

*AN ACT to amend an act entitled "an act to incorporate the Colleges therein named."*

In force 12th  
Jan., 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the "act to incorporate the Colleges therein named," approved February 9th, 1835, to which this is an amendment, as designates the college at Alton, by the name of "The trustees of the Alton College of Illinois," be, and the same is hereby repealed; and that hereafter, the said institution shall be styled and known by the name of "The Trustees of Shurtleff College of Alton, Illinois."*

Alton College  
changed to  
Shurtleff Col-  
lege.

APPROVED, Jan. 12, 1836.

*AN ACT supplementary to "an act to incorporate the Springfield and Alton Turnpike Road Company."*

In force Dec.  
28, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Thomas G. Hawley, Joseph Burrough and Ninian W. Edwards, are hereby appointed commissioners, to act with those heretofore named in said incorporation, for the purpose of opening books for subscription to the capital stock of said company.*

Additional  
commissioners  
appointed.

APPROVED, Dec. 28, 1835.



In force Dec  
19, 1 35

*AN ACT to amend an act entitled "an act to incorporate the Springfield and Alton Turnpike Road Company," approved March 1, 1833.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the "act to incorporate the Springfield and Alton Turnpike Road Company," approved March 1st 1833," to which this*

Part of said act  
repealed.

*is an amendment, as provides for the extension of said road from Alton to a point on the Mississippi river, opposite to St. Louis, be, and the same is hereby repealed; and that hereafter the point of termination of said road, shall be at Alton, on the Mississippi river.*

Point of ter-  
mination chan-  
ged.

APPROVED, Dec. 19, 1835.

In force, Jan.  
18, 1836.

*AN ACT to incorporate the Franklin Institute.*

Trustees incor-  
porated.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Solomon Clark, Lewis Y. Cully, William A. Roberts, A. D. Dobbins, Henry Yost, Alexander McCreary, Warrenton K. Spiller, Lemuel R. Harrison, William T. Wryburn, Meshack Morris, and their successors, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the "Trustees of the Franklin Institute," and by that name shall have perpetual succession, and have a common seal, with power to change the same at pleasure; and as such, shall be authorised to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college, or university in this state, not herein limited, or otherwise directed.*

First meeting,  
where and  
when held.

SEC. 2. *That the said trustees shall hold their first stated meeting at the town of Frankfort, in the county of Franklin, on the first Monday of June next, or so soon thereafter as may be convenient: and they, or a majority of them, shall, as soon as they think proper, fix upon a place for a permanent seat for said institute, and proceed to erect buildings thereon, as soon as convenient, and the interests of the said institution may require.*

Nature of.  
Corporation,

SEC. 3. *The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold, to themselves and their successors, for the use and benefit of said institution, any lands, tenements, or rents, goods and chattles, of what kind soever, which shall be*

given, or devised to, or purchased by them, for the use of the Franklin Institute.

SEC. 4. The said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

SEC. 5. In case a sufficient number of members do not attend to constitute a board, at any meeting, those who do attend, may adjourn to any day thereafter, or to the next stated meeting, and shall give ten days previous notice thereof. A moiety may adjourn.

SEC. 6. Five members shall be sufficient to constitute a board for the transaction of all business respecting the said institute, excepting those cases particularly excepted. Quorum.

SEC. 7. The assent of the majority of the whole number of the trustees, shall be necessary to perform the following business: to elect, and fix the salary of the president; to fix upon the permanent seat of the institute; to alienate, sell, or convey, any lands, tenements, or rents, belonging to said institute. A majority necessary for the transaction of business.

SEC. 8. The trustees shall have power, from time to time, to establish such bye-laws, rules, and ordinances, not contrary to the constitution and laws of this state, as they shall deem necessary for the said institute. Powers of the trustees.

SEC. 9. The trustees shall elect a president, treasurer, and clerk, to their own body, and so many professors, tutors, or masters, as may be necessary; and upon the death, resignation, or legal disability of any of the trustees, president, or other officers of the said institute, the board of trustees shall supply the vacancy by ballot. Elect a president, &c.

SEC. 10. The treasurer of said institution, always, and all other agents, when required by the trustees, before entering upon the duties of their appointments, shall give bond for the security of the corporation, in such penal sum, and with such security, as the board of trustees shall approve. And all processes against the said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer of the institute, at least thirty days before the return day thereof. Treasurer shall give bond.

SEC. 11. The said institute, and their preparatory department, shall be open to all denominations of Christians, and the profession of any religious faith, shall not be required of those who become students: all persons, however, may be suspended, or expelled from said institution, whose habits are idle, or vicious, or whose moral character is bad. Institute open to all denominations.

SEC. 12. The president, and other officers of the said institute, shall be subject to the direction of the board of trustees, and continue in office during good behavior. Term of office

SEC. 13. The president of the board of trustees, shall

Powers of the president. have full power to call special meetings of the said trustees, and it shall be his duty, upon the request of three of them, to do the same; but upon any called meeting, ten days general notice shall be given by the president previous to the meeting.

Trustees to regulate course of studies, &c. SEC. 14. The trustees of the corporation, shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said institute, and in the preparatory department attached thereto; to fix the rate of tuition, room rent, and other college expenses; to appoint instructors, and such other officers and agents, as shall or may be needed, in managing the concerns of the institution; to define their powers, duties, and employments; to fix their compensation; to displace and remove either of the instructors, officers and agents; to erect necessary buildings; to purchase books, and chemical and philosophical apparatus, and other suitable means of instruction; to put in operation a system of manual labor, for the purpose of lessening the expense of education, and promoting the health of the students; to make rules for the general management of the officers of the institution, and for the regulation of the conduct of the students; and to add, as the ability of the said corporation shall increase, and the interest of the community shall require, additional departments for the study of any or all the liberal professions; *Provided, however,* That nothing herein contained shall authorise the establishment of a theological department, in said institution.

Trustee may be dismissed. SEC. 15. If at any time a member of the board of trustees shall absent himself for three stated meetings, successively, or for some disorderly conduct, unless for good cause shown, and approved of by the said trustees, in such case his seat shall be considered to be vacant, and the board proceed to fill his seat with a member; *Provided,* That the trustees of said institution, shall at all times be accountable for their conduct, in the management of the business aforesaid, in such manner, as the legislature shall, by law, direct.

APPROVED, Jan. 16. 1836.

In force, Jan.  
18, 1836.

*AN ACT to lay out certain State Roads in Morgan County.*

Commissioners appointed to locate road. SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Robert H. McDow, William King and Fielding Grimsley, of Morgan



county, be, and they are hereby appointed commissioners, to review, mark, and locate, a state road from the Illinois river, at or near where the line between townships fourteen and fifteen strike the same, to a point at or near where the said line would intersect the state road leading from Jacksonville, in said county, to Vandalia.

SEC. 2. The said commissioners, or any two of them, shall meet in the town of Jacksonville, on the first Monday in March next, or within sixty days thereafter, and after having been duly sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, mark, and locate said road, from point to point, varying from said lines, whenever they may deem it expedient so to do; and they shall make a report in writing to the next county commissioners' court, thereafter, which said report shall form a part of the records of said court: and the said road, so laid out, shall be deemed a state road, and shall be opened not less than sixty feet wide, and kept in repair as other state roads are.

Where and when to meet.

Shall be sworn.

Make report.

SEC. 3. The county commissioners' court of Morgan county, shall pay to said commissioners, out of the county treasury, a reasonable compensation for their services, not exceeding one dollar and fifty cents per day.

Compensation.

SEC. 4. That James Ethel, John Christman and Temple Windle, of said county, are, in like manner, hereby appointed commissioners, to view, mark, and locate a state road from Bethel, via Lynnville, to Manchester, in said county. They shall meet in the town of Bethel, on the second Monday in March next, or within sixty days thereafter, and after being duly sworn by some justice of the peace, faithfully to perform the duties imposed upon them by this act, shall proceed to view, mark, and locate said road, from point to point, on the nearest and best route, doing as little injury to private property as practicable, and in all other respects be governed by the preceding sections of this act: and they shall receive the same compensation as the first named commissioners may be allowed. And said road, when so laid out, and a report thereof in writing, filed in said court, shall be deemed, in like manner, to be a public road, and shall be opened and kept in repair as other state roads are.

Commissioners appointed to locate, &c.

Compensation.

APPROVED, Jan. 18, 1836.

In force, Jan.  
13, 1836.

*AN ACT to establish a State road from Equality to McLeansboro', and for other purposes.*

Commissioners  
appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James Hall and Reuben Oglesby, of Hamilton county, and Willis Hargrave, of Gallatin county, be, and they are hereby appointed commissioners, to view, lay out, and mark a road from McLeansboro', in Hamilton county, to Equality, in Gallatin county, by the nearest and most eligible route for the same, having in view the highest and most suitable ground for the location thereof, and report the same, together with a description thereof, under their hands, to the county commissioners' courts of the said counties of Hamilton and Gallatin, on or before the first term after the said view, and the number of days employed by them, respectively, in each county, in the said work; and the said road, when so viewed, marked, and reported, shall be deemed a state road, and kept in repair as other state roads are.

To report.

When and  
where to meet.

Commissioners  
to be sworn.

Compensation.

SEC. 2. The said commissioners, or a majority of them, shall, on or before the first day of June next, or within three months thereafter, meet at the town of McLeansboro', and, after being duly sworn before some justice of the peace, proceed to lay out said road, as is directed in the preceding section: and the county court of Gallatin shall allow the commissioners a sum equal to two dollars per day, for every day they shall be engaged in viewing and marking said road, so far as the same may be in Gallatin county: and the county court of Hamilton county, shall make said commissioners the same allowance, for such time as they shall be engaged in viewing and marking said road, so far as the same shall be in Hamilton county.

Appropriation  
to Hamilton.

SEC. 3. The sum of two hundred dollars, heretofore appropriated on the state road leading from McLeansboro' to Shawneetown, to be expended in Hamilton county; also the sum of one hundred and fifty dollars, heretofore appropriated on the road from McLeansboro' to Equality, by Blake's bridge, to be also expended in Hamilton county, are hereby appropriated to be expended under the direction of the county commissioners' court of Hamilton county, on so much of the road herein directed to be made, as may be in said county of Hamilton.

Acts repealed.

SEC. 4. All acts and parts of acts, coming within the purview of this act, are hereby repealed.

APPROVED, Jan. 13, 1836.

*AN ACT to locate a State Road from Frankfort, via Vienna, In force, Jan. 15, 1836.*  
*to Wilcox's Ferry, in Johnson County.*

SEC. 1. *Be it enacted by the people of the State of Illinois,* Commissioners  
*represented in the General Assembly, That Ira Reynolds* appointed to  
*and Frederick Graves, of Johnson county, and Ragsdale* locate said road  
*Rowlen, of Franklin county, be, and they are hereby ap-*  
*pointed commissioners, to view, locate, and mark out a*  
*state road, from Frankfort, in Franklin county, the nearest*  
*and best practicable route, to Vienna, in Johnson county;*  
*and from Vienna, the nearest and most practicable route to*  
*Wilcox's ferry, on the Ohio river, in said county.*

SEC. 2. The said commissioners, or a majority of them, When and  
 shall meet at Frankfort, on the first day of May, or within where to meet.  
 six months thereafter, and after being duly sworn by some  
 justice of the peace, faithfully to observe the provisions of  
 this act, shall proceed to view, and locate said road, taking  
 into consideration the local situation of the country, and the  
 public convenience, and shall fix said road on the most ad-  
 vantageous ground, for a permanent road. And the said  
 commissioners shall, on or before the first Monday in De- Shall report.  
 cember next, make a return of their proceedings on said  
 road, which being signed by them, or a majority of them,  
 a duplicate of which shall be delivered, one to the county  
 commissioners' court of Johnson county, and the other to  
 the county commissioners' court of Franklin county.

SEC. 3. The said road, when laid out as aforesaid, shall Declared a  
 be deemed and considered a state road, and shall be opened, state road.  
 marked, and kept in repair, as other state roads are; and  
 the said commissioners, so appointed, shall receive such  
 compensation out of the county treasuries of the respect- Compensation  
 ive counties through which said road may pass, as the re- of commission-  
 spective commissioners' courts may deem just and reason- ers.  
 able, the county of Johnson paying the two commissioners  
 from that county, and the county of Franklin paying the  
 one commissioner residing in said county.

SEC. 4. That the county commissioners' court of John- Improvement  
 son county, shall, at the term of said court next succeeding of said road.  
 the location of said road, proceed to contract for the im-  
 provement of such parts of said road, as they may deem  
 proper, within the county of Johnson, until they shall have  
 expended the two hundred and twenty dollars which was  
 appropriated to said county of Johnson, by an act, entitled  
 "An act making appropriations out of the state treasury,"  
 March first, one thousand eight hundred and thirty-three.

APPROVED, Jan. 15, 1836,



In force 16th  
Jan. 1836.

*AN ACT to locate a State Road from Quincy to Macomb.*

Commissioners  
appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William G. Flood, of Adams county, Daniel Cane, of Hancock county, and George Miller of McDonough county, be, and they are hereby appointed commissioners, to survey, mark, and locate a road from Quincy, in Adams county, through Fairfield, the nearest and best route to Macomb, in McDonough county, doing as little injury to private property as the public good will permit.

When and  
where to meet.

SEC. 2. The said commissioners, or a majority of them, shall meet at Quincy, on the first Monday in June next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace of said county of Adams, faithfully to view, and locate said road, without partiality or affection, and faithfully to discharge the duties required of them by this act. The said commissioners shall place, in the prairies through which said road shall pass, stakes, of reasonable size and durable timber, and marks on the trees in the timber.

To be sworn.

To make re-  
port.

SEC. 3. As soon as practicable, after said road is located, said commissioners, or a majority of them, shall make out a report, accompanied by a map or plat of said road, giving the courses and distances from point to point, with such other marks of certainty as they may deem necessary; and shall transmit a copy of said plat or report, to the county commissioners' court of each county through which said road shall pass, which shall be filed in their respective offices; and each county shall bear her proportional part of the expense, according to the distance said road may pass through the same, to be allowed by the county commissioners' court of each county.

Compensation.

SEC. 4. When said road is located, it shall be, and is hereby declared a public state road, and shall be opened and kept in repair, as other state roads are, in this state.

APPROVED, Jan. 16, 1836.

In force, Jan.  
15, 1836.

*AN ACT concerning the town of Boonville, in the County of Pike.*

Survey and plat  
of Boonville  
vacated, void.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the survey and town plat of the town of Boonville, in the county of Pike,

as filed and recorded in the recorder's office, for the county of Pike, be, and the same is hereby vacated, and rendered null and void: *Provided*, That this act shall not be so construed, as to affect any rights acquired under said survey and plat of said town, or any sale of any town lots made in said town, either by the former or present proprietor. But not to affect previous sales.

SEC. 2. That the present proprietor of said town, be, and he is hereby authorised and empowered, to re-survey said town, lay off the same into lots, and file a plat thereof in the recorder's office, in the manner now prescribed by law, acting and doing as though the same had never been laid off into a town, or a plat thereof filed; and the town thus laid out by him, shall be styled, and known as the town of Perry. To be re-surveyed.

APPROVED, Jan. 15, 1836.

*AN ACT to authorise and require the County Commissioners' Court of Sangamon County, to build a Bridge over the Sangamon river.* In force Jan. 14. 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county commissioners' court of Sangamon county, be, and they are hereby authorised and required to build a bridge across the Sangamon river, at or near Stephenson's ferry, on the road leading from Springfield to Peoria. County commissioners to build a bridge.

SEC. 2. The said county commissioners shall commence the building of said bridge, on or before the second Monday in March, one thousand eight hundred and thirty-six, and shall have the same completed on or before the first Monday of November following. The said bridge shall be so constructed, as to be at least twenty feet wide, and of sufficient height to let drift wood pass underneath. Commencement.  
Completion.

SEC. 3. The county commissioners of Sangamon county, shall keep said bridge in good repair, so as at all times to afford a safe conveyance for all persons, and their property, over the same. To keep bridge in repair.

SEC. 4. The expenses of building said bridge, shall be defrayed out of the county treasury of Sangamon county; and should there not be funds in the said treasury to defray the expenses aforesaid, then, and in that event, the county commissioners' court, of said Sangamon county, are hereby authorised and required to levy a tax on the taxable property of said county, sufficient to defray said expenses, and also Expenses to be paid by Sangamon county.

such other expenses as may be, from time to time incurred, in keeping said bridge in repair. And the said commissioners may, from time to time, build and erect such other bridges, and in the same way, as they may think necessary and expedient, as is herein above provided for. This act to be in force from and after its passage.

APPROVED, Jan. 14, 1836.

In force, Jan. 13, 1836. *AN ACT to re-locate and establish a State Road from Paris, in Edgar county, to Grandview.*

Commissioners appointed to locate road. **SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry G. Smith, George Moke and James Scott, be, and they are hereby appointed commissioners, to view, and re-locate that part of the state road leading from Paris to Grandview, Edgar county.

Where and when to meet. **SEC. 2.** Said commissioners shall meet in Paris, on or before the first Wednesday in June next, and after being sworn by some justice of the peace, impartially to locate the same, they shall commence on the south end of Main street, in the town of Paris, and run thence on a straight line, as near as the nature of the ground will admit, to the north-east corner of section number sixteen, in township thirteen north, of range twelve west; thence to the mouth of Bennett Redmond's lane; thence to the causeway north of Greenberry Redmond's old blacksmith shop; thence to Grandview, as the Vandalia road now runs.

File a map. **SEC. 3.** Said commissioners shall, within twenty days after the location of said road, cause a true survey, or map of the same, to be lodged with the clerk of the county commissioners' court, of Edgar county: and the said road shall be, and is hereby declared a state road, and shall be opened and kept in repair, as other state roads are: and the county commissioners' court of Edgar county, shall allow said reviewers one dollar and fifty cents per day, for their services.

APPROVED, Jan. 13, 1836.



*AN ACT to re-locate part of the State Road from Vincennes to Chicago.* In force, Jan. 13, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the commissioners' court of Crawford county, are hereby empowered, if they think proper, to appoint three disinterested commissioners, whose duty it shall be, (after being duly sworn before some justice of the peace for said county,) to impartially review, and re-locate, that part of the state road leading from Vincennes to Chicago, lying in Crawford county, commencing where said road crosses the line between the north-east and north-west quarters of section thirty-three, township eight north, range eleven west, and terminating at the town of Hutsonville, and make a report of the same to the next commissioners' court. Appointment of commissioners.  
To be sworn.  
Make a report.

SEC. 2. If any change or alteration shall be made by said commissioners, the commissioners' court shall cause the same to be confirmed; and said part so changed, shall be cut out the usual width, and kept in repair as other state roads. Road changed.

SEC. 3. The commissioners' court shall pay out of the county treasury, to each commissioner, such sum per day, as they may deem just and equal. Compensation.

APPROVED, Jan. 13, 1836.

*AN ACT to locate the State Roads therein named.* In force, Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Elijah Wells, Amos Anderson and Joseph Thaylor, of the county of Perry, be, and they are hereby appointed commissioners, to locate the state road leading from Kirkpatrick's bridge, on Little Muddy, to St. Louis, and from said bridge to Pinckneyville, so as to cause both roads to run together, on a straight line from the place where said road forks, on the west side of said bridge, until said roads pass the plantation of Aquilla Combs, in Perry county, on the west side of said plantation; and after said roads pass said plantation, to separate, and to intersect the parent roads again, on the most eligible ground, and direct route, practicable. Commissioners appointed.

SEC. 2. Said commissioners shall meet on the first Monday of February, one thousand eight hundred and thirty-six, at the house of Aquilla Combs, in Perry county, or as soon thereafter as practicable, and take an oath before When and where to meet.

some magistrate of said county, to faithfully perform the duties enjoined on them by this act; after which they shall proceed to re-locate said road, in the manner pointed out by the first section of this act, and report their proceedings to the clerk of the county commissioners' court of Perry county, who shall file the same; and upon filing said report, the road so re-located, shall be worked upon, and be a public highway.

**Make a report.** SEC. 3. So much of said roads as will be changed by the re-location of the present roads, be, and the same is hereby repealed; *Provided*, That in no case shall said commissioners be authorised to re-locate said road, without the county commissioners' court of Perry county first authorise the same, hereby leaving it discretionary with the said court to have the same received.

**Commissioners.** SEC. 4. That Enoch B. Weathers and Jacob C. Bruner, be, and the same are hereby authorised to mark, and lay out a state road, sixty feet wide, from the town of Illinois, in St. Clair county, to the town of Alton, on the Mississippi river, as high up said river, as to be opposite the state leading from St. Charles, to the bank of the Mississippi above Alton. Said commissioners shall, before entering upon the duties enjoined on them by this act, take an oath before some justice of the peace of Madison county, to faithfully execute the duties enjoined on them by this act. Said commissioners shall make out a report, describing the said road, and deliver a copy to the county commissioners' court of St. Clair and Madison counties, when the same shall be filed; and the said court shall allow said commissioners a reasonable compensation for their services.

APPROVED, Jan. 18, 1836.

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In force, Jan. 14, 1836. *AN ACT to change a part of the Vincennes and Chicago State road.*

**Commissioners appointed to alter road.** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John F. Richardson, Stephen D. Handy and William B. Archer, are hereby appointed commissioners, who, under oath, impartially to discharge the duties assigned them by this act, shall make such alteration in the Vincennes and Chicago road, between Darwin and the forty-fourth mile stone, and between said mile stone and the south line of the county, as they shall deem best for the public good, doing as little damage to pri-

vate property as possible; and they shall make a full report of their proceedings under this act, to the county commissioners' court of Clark county.

SEC. 2. That the road lately located and opened in Clark county, from the point where the state road leading from Vincennes to Chicago, crosses Big creek, passing through the town of Marshall, to the forty-fourth mile stone on Walnut prairie, is hereby declared a state road, and shall be kept in repair as other state roads are. Certain road declared a state road,

SEC. 3. From the point north of the National Road, where said road makes a turn direct for the said town of Marshall, to the point where it turns below the National Road, (nearly four miles,) said new road shall be eighty feet wide, and all other parts thereof shall be four rods wide. Width,

SEC. 4. Said commissioners shall remove, and place the mile stones where it becomes necessary, to suit the alterations made in said road. Mile stones,

APPROVED, Jan. 14, 1836,

*AN ACT to locate part of the State Road leading from Crow's, in Morgan County, to Musick's Bridge, in Sangamon County.* In force, Dec, 28, 1835,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James Gadsby, David Batterton and Charles Broadwell, be, and they are hereby appointed commissioners, to view, mark, and locate so much of the state road leading from Crow's, in Morgan county, to Musick's bridge, in Sangamon county, as lies between the head of Richland creek and the Sangamon river. Commissioners appointed.

SEC. 2. The said commissioners, or a majority of them, shall meet at the house of Peter Cartwright, on the first Monday in March next, or as soon thereafter as practicable, and after being duly sworn, shall proceed to perform the duties required of them by this act, avoiding, as much as possible, the injury of private property. When and where to meet. To be sworn.

SEC. 3. The said commissioners shall, as soon as convenient, cause to be filed with the clerk of the county commissioners' court of Sangamon county, a report, and complete map of said road, which report and map shall be preserved, and shall form a part of the record of said court. Said road, when so established, shall be kept in repair, as other state roads are. Make a report.



Compensation. SEC. 4. The county commissioners' court of Sangamon county, shall allow to said commissioners such compensation, as to them shall seem just and reasonable.

APPROVED, Dec. 28, 1835.

In force Jan.  
18, 1836.

*AN ACT to locate a State Road therein named.*

Commissioners  
appointed to lo-  
cate said road.

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That John Neely of Pike county, and William Gillam and James B. Young of Morgan county, be, and they are hereby appointed commissioners to view, mark, survey and locate a state road from Pittsfield via Augusta in Pike, via Winchester to the south end of main street of Lynnville in Morgan county, said commissioners or a majority of them shall meet at the town of Pittsfield on the second Monday in March next, or within sixty days thereafter, and after being duly sworn by some justice of the peace, faithfully to discharge the duties required of them by this act; shall proceed to view, mark, survey and locate said road, taking into consideration the public convenience and the permanency of the road, doing as little injury to private property as practicable.

When & where  
to meet.

Shall make a  
report.

SEC. 2. Said commissioners, within thirty days after having located said road, shall make a report in writing to the county commissioners' courts of the respective counties, through which said road shall pass; said report shall form a part of the records of said courts, and said road thus laid out shall be a public highway of this state; and the county commissioners' courts of each county through which the said road may pass, shall cause the same to be opened, and kept in repair as other state roads are required to be by law.

Compensation.

SEC. 3. The county commissioners courts, of the counties of Morgan and Pike, shall allow to said commissioners, surveyor and chain carriers, a reasonable compensation for their services; to be paid out of the county treasuries of the counties through which said road may pass.

APPROVED, Jan. 18, 1836.

*AN ACT for the permanent establishment of so much of the road from Vandalia to Hillsboro', as lies between Vandalia and Daniel Browning's, and for other purposes.*

In force Jan.  
18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Joseph Chaffin, Easton Whitten, and Thomas C. Kirkman, or a majority of them, be, and they are hereby required to meet at Vandalia on the tenth day of March next, or within ten days thereafter, and proceed to view, mark and locate a road, commencing at the state house in Vandalia, and running on the most direct and eligible route to Daniel Browning's on the Hillsboro road, and after they have performed said duty, they are hereby required, to examine the road as at present travelled, by Capt. Peter Smith's, E. C. Berry's, Jesse Estes' and S. P. Gorin's, to said Daniel Browning's: taking into consideration the dryness and eligibility of both routes and report their proceedings, and decision, to the next county commissioners court thereafter; and the route they shall select, as being the best and most eligible, shall be, and is hereby declared the state road from the place of beginning, to the said Daniel Browning's, any law to the contrary notwithstanding. And the county commissioners court of Fayette county, are hereby required to cause the same to be opened and kept in repair, as other state roads in this state.*

Commissioners appointed  
When & where  
to meet.

To report.

Road to be opened and kept in repair.

SEC. 2. The county commissioners' court of Fayette county, shall make such allowance to said commissioners, for their services, and for surveying said routs, as to them shall appear reasonable and just, payable out of the county treasury of said county.

Compensation.

SEC. 3. That so much of the state road leading from Vandalia to Shelbyville, as passes near the town of Bowlinggreen in Fayette county be, and the same is hereby altered and changed so as to pass through main street in said town, so soon as Thomas C. Kirkman and Bowling Jones, proprietors of said town shall open said street. This act to be in force from and after its passage.

Road changed near Bowlinggreen.

APPROVED, Jan. 18, 1836,

*AN ACT to establish a State Road from Maysville to Shelbyville.*

In force Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Crawford Lewis,*

Commissioners of Clay county, William J. Hankins of Effingham county, apposed. and Edward Reed of Shelby county, be, and they are hereby appointed commissioners to view, survey and locate a state road, to commence at Maysville in Clay county, thence to Ewington in Effingham county, and thence to Shelbyville in Shelby county.

Where & when to meet. SEC. 2. The commissioners aforesaid, or a majority of them shall meet at Maysville in Clay county, on the first day of May next, or some day thereafter that may be agreed upon by said commissioners, and before entering on the duties assigned them by this act, shall take an oath before some justice of the peace, faithfully and impartially, to locate said road, keeping in view the shortness of the route, and the eligibility of the ground, so as to make the same a permanent road, and whenever said road may be located through the prairie land, it shall be the duty of said commissioners, to place a stake four feet high firmly in the ground at the distance of every quarter of a mile on the same.

To be sworn.  
To put up stakes.  
Duties of commissioners. SEC. 3. The said commissioners so soon as they shall have completed said work, shall make out a map under their hands, with the courses, distances, streams and such other estimates and remarks, as they shall deem interesting, and return the same to the county commissioners' courts, of each county through which the same shall pass, which shall be filed in said courts.

SEC. 4. Said road when laid out as aforesaid shall be deemed a public highway, and the county commissioners' courts of said counties shall cause the same, to be opened four poles wide, and to be worked and kept in repair as other state roads are. The respective county commissioners' courts of said counties, shall allow said commissioners a reasonable compensation for their services, not exceeding one dollar and fifty cents per day, for each day necessarily employed in the discharge of said work, to be paid out of their respective county treasuries. This act to take effect, and be in force from and after its passage.

APPROVED, Jan. 15, 1836.

In force Jan.  
14, 1836.

*AN ACT to amend an act entitled an act to authorise William Stadden to erect a mill dam across Fox River, approved Feb. 12, 1833.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William Stadden be*



and he is hereby authorised to erect a mill dam across Fox river, and on section twenty-nine, township thirty-four north of range four east, in the county of La Salle, *Provided*, the said William Stadden shall prior to the erection of said dam comply with the provisions of an act entitled an act to authorise William Stadden to erect a mill dam across Fox river, approved Feb. 12, 1833.

Mr. Stadden to erect a mill dam across Fox river.

APPROVED, Jan. 14, 1836.

*AN ACT to authorise John Boles and James L. Kirkpatrick, to build a toll bridge across Fever River.* In force Jan. 12, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Boles, and James L. Kirkpatrick, their heirs and assigns, be, and they are hereby authorised to erect a toll bridge across Fever river, at, or near a place in Galena, called "Meeker's furnace," and at the termination of the state road surveyed by Joseph Naper in the year 1833, from Chicago to Galena.

Authority to erect a toll bridge.

SEC. 2. The said John Boles and James L. Kirkpatrick, their heirs and assigns, shall at all times after the completion of said bridge, keep the same in good repair; and allow at all times a speedy passage to all persons and their property over it, upon the receipt of the toll, as hereinafter provided by this act; and if at any time the said bridge shall be left out of repair, so as the same shall be impassable for the space of six months at any one time, the said bridge shall accrue to the corporation of Galena: *Provided however,* That the destruction of said bridge by fire, high water, or other unavoidable casualty, shall not operate as a forfeiture of the privileges hereby granted; but the said proprietors, their heirs and assigns, shall immediately proceed to rebuild said bridge or repair the damages.

Bridge to be kept in repair.

Proviso:

SEC. 3. The said John Boles and James L. Kirkpatrick, shall commence and complete the said bridge within eighteen months from the passage of this act, in a good and substantial manner, for the safe crossing of persons, wagons, and droves of stock over it; and when the said bridge is completed, the owners or proprietors of the same, shall have the right to place at either end of the bridge a toll gate; and they are hereby authorised to ask and demand from all persons crossing the same, such rates of toll as is hereinafter provided.

When to be commenced and completed.

Toll gate.

Rates of toll.

SEC. 4. The rates of toll for crossing over said bridge, shall be as follows: for each score of hogs, sheep, or goats, twenty-five cents; each mule, ass, or horse, four cents; each head of cattle, four cents; each one horse wagon, or vehicle of any kind, twenty-five cents; each wagon or other vehicle, drawn by two horses or oxen, thirty-seven and a half cents; each wagon or other vehicle, drawn by more than two horses or oxen, fifty cents; each man and horse, twelve and a half cents; and each footman, six and a fourth cents: *Provided*, That all persons, citizens of Jo Daviess county, shall have a right to cross said bridge in going to and returning from any muster or election, in said county; and all grand and petit jurors, in going to and returning from court, shall be permitted to cross said bridge free from toll, for themselves and their horses; and the said John Boles and James L. Kirkpatrick, their heirs and assigns, shall pay into the county treasurer of Jo Daviess county, ten dollars per annum, for the first five years after its completion; and the sum of twenty dollars per annum, for each and every year thereafter.

Corporation of  
Galena may  
purchase said  
bridge.

SEC. 5. Whenever the corporation of the said town of Galena, shall deem it expedient to purchase out said bridge, and make it a free one, they shall have the right so to do, upon paying the said Boles and Kirkpatrick, the original cost of said bridge, with ten per centum interest on the same; and for the purpose of enabling the said corporation to know what the actual cost of said bridge was, the said proprietors shall, as soon as the said bridge is completed, make out and file with the clerk of the county commissioners' court, an account of the actual expence of building the same, and make oath to it before said clerk, or some justice of the peace of the county.

Proviso.

SEC. 6. That the said Boles and Kirkpatrick, be, and they are hereby required to construct said bridge with a draw of sufficient width to permit steam boats and other crafts to pass under the same; and if they should fail to comply with this requisition, all privileges and powers granted them by this act shall be forfeited: *Provided*, That if either the said John Boles or James L. Kirkpatrick, shall fail or refuse to contribute his equal proportion of the expenses in commencing the erection, or framing the timber of the said bridge preparatory to its erection, by the first day of July next, the one so failing, shall forfeit the right herein granted to him.

SEC. 7. This act to be in force from and after its passage.

APPROVED, Jan. 12, 1835.

*AN ACT to re-locate a part of the State Road leading from Springfield to Lewistown.* In force, Jan. 13, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the state road leading from Springfield to Lewistown, as lies between the northern boundary of township number eighteen north, and the residence of John Jones, shall be so changed as to run due north, from the point where said road now crosses the aforesaid township line, through the centre of the south west quarter of section thirty-four, township nine north, range seven west, to the northern boundary of said quarter; thence with the road as now travelled, to the residence of the said John Jones.

APPROVED, Jan. 13, 1836.

*AN ACT authorizing Samuel Witter to build a toll bridge.* In force, Jan. 14, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Samuel Witter, be, and he is hereby authorized to build a toll bridge across the the skillet fork of the Little Wabash river, where the state road crosses said skillet fork, leading from Fairfield in Wayne county, to Salem in Marion county.

SEC. 2. The said bridge shall be completed within five years from and after the passage of this act, and shall be built in a substantial and workman-like manner.

SEC. 3. That after the completion of said bridge, the said Samuel Witter shall be entitled to, and is hereby authorized to demand and receive from every person crossing said bridge, the following rates, to wit: for each head of hogs or sheep, crossing said bridge, one cent; for each head of cattle, three cents; for each foot passenger, six and one fourth cents; for each one horse wagon or carriage, eighteen and three fourth cents; for each two horse wagon, drawn by horses or oxen, thirty-seven and one half cents.

SEC. 4. The said Samuel Witter, shall cause to be put up in some conspicuous place near the said bridge, a list of the rates of tolls herein enumerated; and if the said Samuel Witter, or any person acting under him, and by his authority, shall demand and receive more toll than is allowed by this act, or shall unreasonably hinder or detain any person wishing to cross said bridge, the said Samuel Witter shall,

Rates of toll.

Put up a list thereof.



Penalty.

on conviction for every such offence, forfeit and pay the sum of ten dollars, to be recovered by any person suing for the same, by action of debt before any justice of the peace of the county in which said bridge shall be erected; and if any person or persons, shall wilfully do, or cause to be done any injury to said bridge, the person or persons so offending, shall forfeit and pay to the said Samuel Witter, double the amount of such injury or damage, to be recovered before any court having jurisdiction of the same.

Keep said

bridge in good  
repair.

SEC. 5. It shall be the duty of the said Samuel Witter, to keep or cause to be kept in good repair said bridge, to afford all persons a safe and speedy passage, and on failure to do so, for every such offence, on conviction, shall be fined in any sum not exceeding ten dollars, to be recovered before any justice of the peace of the proper county.

SEC. 6. That the said Samuel Witter is prohibited by this act, from obstructing any ford on said skillet fork, at or near where said state road crosses said skillet fork, under a penalty of a forfeiture of the privilege granted by the provisions of this act. This act to take effect from and after its passage.

APPROVED, Jan. 11, 1836,

In force Jan.  
12, 1836.

*AN ACT to authorise William Seeley to build a toll bridge across the Big Vermillion.*

Toll gates.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Seeley, his heirs and assigns, be, and they are hereby authorised to build a toll bridge across the Big Vermillion, at or near the place where the road leading from Ottowa to Peoria, crosses said river, and near Seeley's mill; at either end of said bridge, the said Seeley, his heirs and assigns, are hereby authorized to place a toll gate, where he or they may ask and demand of all and every person passing said bridge, the rates of toll which may from time to time, be fixed by the county commissioners' court of La salle county.

Commence-  
ment and com-  
pletion.

SEC. 2. The said William Seeley, his heirs and assigns, shall commence the building of said bridge within one year, and have the same completed within two years from the passage of this act, so as to admit the safe passage of persons, wagons, teams, cattle &c., over it.

Keep said  
bridge in repair

SEC. 3. The said William Seeley, his heirs and assigns, shall at all times after the completion thereof, keep said

bridge in good repair, and allow a speedy passage to all persons and their property over it, upon the receipt of the tolls, in such cases allowed as herein provided; and if at any time the said bridge be left out of repair, so that the same be impassable for the space of one year at any time, the said bridge shall accrue to, and belong to the county of La Salle: *Provided, however,* The destruction of said bridge by fire, high water, or other casualty, shall not work a forfeiture of the privileges hereby granted; but the said Seeley, his heirs and assigns, shall proceed immediately to repair the same.

SEC. 4. Whenever the county commissioners of the county of La Salle, shall deem it expedient to purchase said bridge, they shall have the right to do so, by paying the said Seeley, his heirs and assigns, the original cost of said bridge, with ten per cent. interest thereon; and for the purpose of enabling the county commissioners to know the actual cost of said bridge, it shall be the duty of the said Seeley, his heirs and assigns, to file with the clerk of the county commissioners' court of La Salle county, such vouchers as shall be deemed sufficient by said commissioners to ascertain the cost of said bridge.

County may purchase said bridge.

Cost of said bridge.

SEC. 5. If the said Seeley, his heirs and assigns, shall at any time obstruct the ford on said river, at or near said bridge, or where the said road crosses in any manner, he or they so offending, shall forfeit and pay the sum of one hundred dollars for every such offence, to be recovered by action of debt, in any court having competent jurisdiction thereof; one half of which shall go to the use of the person informing, the other to the use of the county.

Fine.

SEC. 6. That the county commissioners' court of said county, shall have full power to levy a tax on said bridge, as is provided in "an act to provide for the establishment of ferries, toll bridges and turnpike roads," approved February 12, 1827.

County may levy a tax.

APPROVED, Jan. 12, 1836.

*AN ACT to locate and establish a State Road from the Wabash river in Crawford county, to Shelbyville in Shelby county.*

In force Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Gill of Crawford county, Joseph Glen of Coles county, and John

Duties of Commissioners.

Storm of Shelby county, be, and they are hereby appointed commissioners, to view, survey, mark and locate a road, commencing at some point on the Wabash river in Crawford county, to be determined by them, or a majority of them, with a view of the said road being extended in the state of Indiana, to intersect the road leading from Louisville to Vincennes; thence by the town of Greenup in Coles county, to Shelbyville in Shelby county, varying as little as practicable, from a direct line between said places, having in view the most eligible route, its permanency, and a due regard to public convenience.

Where and  
when to meet.

SEC. 2. That the said commissioners, or a majority of them, shall meet at Palestine in Crawford county, on the first day of April next, or at some convenient time thereafter; and being first duly sworn before some judge or justice of the peace in this state, faithfully to discharge the duties required of them by this act, shall proceed to make the necessary examinations, and determine upon the place for the crossing of the said road across the Wabash river; and after they shall have done so, to view, mark and locate the route of said road through Palestine and Greenup, to Shelbyville in Shelby county; and as soon as practicable thereafter, cause a plat of the survey of said road, so viewed, marked, and located, and certified by them, to be filed in the clerk's office of the county commissioners' court of the counties of Crawford, Coles and Shelby, of that part of the road so located in each of said counties; and each of the clerks of the county commissioners' courts in said counties, shall file the same, and lay said plat before the county commissioners' court at the next term thereafter; and the said court shall cause an entry thereof to be entered on their records; and the road so laid out and located, is hereby declared a public state road, and shall be opened and kept in repair, three rods wide, in the same manner as other public roads are required by law.

Shall make a  
plat of said  
survey.

Compensation.

SEC. 3. Each of said commissioners shall receive for their services, one dollar and fifty cents per day, for all the time necessarily employed in said service, to be allowed by the county commissioners' courts of the said counties of Crawford, Coles and Shelby; and it shall be the duty of the commissioners to make a certified statement of the time they were engaged, and return the same with the plat, to the clerks of the said county commissioners' courts.

APPROVED, Jan. 16, 1836.



*AN ACT to locate a State Road from Gilead in Calhoun county, to Rushville in Schuyler county.* In force Jan. 7, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Mettz of Calhoun county, Nathan W. Jones of Pike county, and Cornelius Vandevanter of Schuyler county, be, and they are hereby appointed commissioners, to view, mark and lay out a state road from Gilead in Calhoun county, thence on the nearest and best route to Pittsfield and Griggsville, in Pike county, La Grange in Schuyler county, thence on the nearest and best ground to Rushville in said county, doing as little injury to private property, as the public good will permit. Commissioners.

SEC. 2. That said commissioners shall meet at Gilead, on the first Monday in March next, or within sixty days thereafter, and after being duly sworn before some justice of the peace, or clerk of the circuit court, well and truly to perform the duties required of them by this act, according to the best of their skill and abilities; they shall proceed to the place of beginning, and view, mark, and lay out said road, agreeable to the provisions of the first section of this act. When and where to meet.

SEC. 3. That so soon as said road may be located, the said commissioners shall make out a complete report of all the principal points and notable places which the same may pass, in each county; and it shall be the duty of said commissioners, to return to the clerk's office of the county commissioners' courts, in each county, such report of that portion of said road as is situate in their respective counties; and it shall be the duty of the said clerks respectively, to lay said reports before the county commissioners' court, at their next term; whose duty it shall be to cause the same to be recorded in the records of said court, and said road to be opened and kept in good repair accordingly. To report.

SEC. 4. The said commissioners shall receive such compensation for their services out of the county treasury of their respective counties, as the county commissioners' courts may order and allow. Compensation.

APPROVED, Jan. 7, 1836.

In force Jan. 16, 1836. *AN ACT declaring a Road therein named to be a State Road.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the road leading from Vandalia to Atlas in Pike county, as lies in Greene county, as located in pursuance of the act, approved December 22d, 1832, be, and the same is hereby declared a state road, and shall be opened and kept in repair in the same manner as other state roads are.*

APPROVED, Jan. 16, 1836.

In force Jan. 9, 1836.

*AN ACT to re-locate a part of the Road leading from Hillsboro' to the Honey Point.*

Commissioners appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Henry Piatt, Charles Wright and James Grantham, of the county of Montgomery, be, and they are hereby appointed commissioners, to view, and re-locate so much of the state road leading from Hillsboro', in Montgomery county, to Carlinville, in Macoupin county, as lies between Hillsboro' and the Honey Point.*

When and where to meet.

To be sworn.

SEC. 2. *Said commissioners, or a majority of them, shall meet in Hillsboro', as soon as practicable, and after being duly sworn before some justice of the peace, they shall proceed to view, and re-locate said road, on the most eligible route, avoiding the injury of private property as much as practicable. They shall also take into consideration the amount of damages that the county, or the aggrieved party may sustain, in continuing the road as first laid out; and if the said commissioners shall be of the opinion that the interests of the county will be promoted, they may change it on any route that they may think proper, so as to do as little damage as possible.*

Compensation.

Employ a surveyor.

Maps.

SEC. 3. *Said commissioners shall be entitled to receive the sum of one dollar and twenty-five cents per day for their services, for each day actually employed in said service; and if they think it proper, they may employ some competent surveyor; and if said road is changed from the present route, they shall cause a map of said change to be lodged with the clerk of the county commissioners' court, to be by him filed in his office. And said commissioners are also authorised to enter into such arrangements with the aggrieved*

parties, as own land on the route, or the amount of damages, in the same manner as is required in the act concerning the right of way, approved February twenty-eighth, one thousand eight hundred and thirty-three, and their proceedings and decisions shall be in conformity with the above recited act. And the expenses of the commissioners and surveyor shall be paid by the county of Montgomery; *Provided*, If the said road is removed from the present route, the road so re-located, shall intersect the present road within one-half mile east of the Honey Point. The act to authorise the county commissioners of Montgomery county, to change a certain state road, therein named, approved February sixth, one thousand eight hundred and thirty-five, be, and the same is hereby repealed.

Damages.

Compensation.

Act repealed.

APPROVED, Jan. 9, 1836.

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*AN ACT to change a part of the State Road leading from Springfield to Beardstown.*

In force Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William Crow, John Ray and Allen F. Lindsey, are hereby appointed commissioners, to re-locate that part of the state road leading from Springfield to Beardstown, which lies between Archibald Job's and the bridge across Ray's Branch, in the county of Morgan. Said commissioners, or a majority of them, shall meet at the house of Archibald Job, on the first Monday in March, or so soon thereafter as may be, and after being sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to re-locate said road, between the points aforesaid, upon the same ground on which said road was located by Horn and Holmes, if in their opinion such location will not operate to the prejudice of the community: but if they shall be of opinion that a location on different ground can be made so as to make a better road, and not operate to the prejudice of the community, or of individuals, they shall locate the same on different ground. Said commissioners, or a majority of them, shall make report of their proceedings under this act, to the county commissioners' court of Morgan county; and said court shall receive the same, and cause the road as located, to be opened, and kept in repair; and from and after the time of making the report aforesaid, so much of the present road as lies between the points*

Commissioners  
appointed.

When and  
where to meet.

To be sworn.

To report.



named in this act, shall be vacated, and the road located shall be the state road. And said commissioners shall be allowed one dollar and fifty cents each, per day, for their services, out of the treasury of Morgan county.

APPROVED, Jan. 15, 1836.

*AN ACT to locate a State Road from Peoria to Pekin, thence to intersect the road leading from Peoria to Springfield, and for other purposes.*

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Madison Allen, William Rankin and Theodorus Fisher, be, and they are hereby appointed commissioners, to view, mark, and locate a state road, beginning at the town of Peoria, in the county of Peoria; thence down the river, on the north-west side of the same, crossing the same at Pekin, in the county of Tazewell; thence in a south easterly direction, till the same intersects the road leading from Springfield to Peoria.*

**SEC. 2.** The said commissioners, or a majority of them, shall meet at the town of Peoria on the second Monday of April next, or as soon thereafter as practicable, and after being duly sworn, shall proceed to perform the duties required of them by this act, avoiding as much as the public good will permit, the injury of private property.

**SEC. 3.** The said commissioners shall, as soon thereafter as convenient, cause to be filed with the clerk of the county commissioners' court, for the county of Peoria, a report, and correct maps, of so much of said road as may be located in the said county of Peoria; and also with the clerk of the county commissioners' court, for the county of Tazewell, a like report and maps, of so much of said road, as may be located in the said county of Tazewell; and the said reports and maps shall be preserved, and shall form parts of the records of said counties, respectively. Said road, when so established, shall be kept in repair as other state roads are.

**SEC. 4.** The county commissioners' courts, of the said counties of Peoria and Tazewell, may allow to said commissioners, out of their county treasuries, respectively, such compensation, as to them shall seem just and reasonable.

**SEC. 5.** That the county commissioners' court of the county of Tazewell, be, and they are hereby authorised and directed, to receive and confirm the report of Thomas Griffith, Benjamin Briggs and Joshua Brown, or a majority

of them, commissioners appointed by an act, entitled "An act to change a state road therein named," approved February 6th, 1835, to review, and re-locate any part of the state road leading from Pekin to Danville, lying between the towns of Pekin and Mackinaw; *Provided*, Said report has been, or shall be presented to said court, on or before the first Monday of June next.

SEC. 6. The road, when reported as aforesaid, shall be considered a state road in every respect, as though said report had been made within the time prescribed by the act aforesaid. To be a state road.

APPROVED, Jan. 18, 1836.

*AN ACT to amend an act concerning Public Roads.*

In force, Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Supervisors' duty. *That it shall be the duty of the supervisors of the several counties in this state, to cause all the road tax in their respective districts, which is to be discharged in labor, to be so discharged previous to the first day of November, annually; and the delinquent list which the supervisor is required to return to the clerk, according to the 24th section of the act to which this is an amendment, shall be so returned on or before the first day of November, annually. Any supervisor failing to comply with any of the provisions of this act, or of the act to which this is an amendment, shall be fined in any sum not less than five dollars, and not exceeding fifty dollars; which shall, upon the complaint of any person or persons, be recoverable before any justice of the peace of the proper county, any thing in the act to which this is an amendment, to the contrary notwithstanding.* May be fined for neglect.

SEC. 2. That the county commissioners' courts, in each and every county within this state, whenever the finances of their county will admit, be, and they are hereby authorised and required, to expend on the public roads, in making causeways, erecting bridges, &c., in their respective counties, any sum not exceeding one-third of the amount received into the county treasury of such county, in the current year immediately preceding the time of expending said sum or sums of money; which said improvements, or repairs, shall be made by the county commissioners' court, by letting out contracts to the lowest and best bidder or bidders, and in all cases taking bonds of the undertaker, paya-

Duty of county commissioners.

ble to the county commissioners, and their successors in office, for the due and faithful performance of their respective contracts: and the said county commissioners' court, upon being fully satisfied that the said contract or contracts, have been fully completed, shall draw a warrant in favor of said contractor, on the county treasury, for the payment of the same, which shall be paid out as other county orders.

This act to be published.

Act repealed.

SEC. 3. The secretary of state shall cause this act to be published in the newspaper published by the public printer, immediately after its passage, for three weeks in succession, the cost of printing to be paid out of the contingent fund. The 18th section of the act to which this is an amendment, is hereby repealed.

APPROVED, Jan. 18, 1836.

In force, Jan. 16, 1836.

Commissioners appointed.

*AN ACT to re-locate a part of the State Road in Coles County.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Ebenezer Alexander, William Langston and Daniel Drake, of Coles county, are hereby appointed commissioners, to re-locate, and establish that part of the state road in Coles county, that lies between John Waddles', in said county, and Shelbyville, commencing at or near the house of said John Waddles, and running thence on a straight line, about one hundred yards, in a direction so as to strike the north-west corner of said Waddles' land; thence west with the survey line, one mile and a quarter; thence in a direction to intersect the Shelbyville road at the timber, about two and a half miles from said Waddles.*

When and where to meet.  
To be sworn.

SEC. 2. Said commissioners, or a majority of them, shall meet at said Waddle's, on or before the first day of August next, and after being duly sworn by some justice of the peace, to impartially survey, and re-locate said road, shall establish, by running two furrows, thirty feet apart from each other, so as to embrace the points set forth in the first section of this act.

Make return.

SEC. 3. Said commissioners shall make a return of their proceedings to the clerk of the county commissioners' court of Coles county, correctly describing the alterations made in said road, under their hands and seals, within thirty days after the action and completion of the same.

Compensation.

SEC. 4. The county commissioners' court of said county, shall allow said commissioners one dollar and fifty cents



each, per day, for the necessary service by them rendered in altering said road: and said court shall also allow the person employed by the commissioners to run off the furrows along said road, reasonable compensation for the services rendered.

SEC. 5. All acts or parts of acts coming within the purview of this act, are hereby repealed. This act to be in force from and after its passage. Acts repealed.

APPROVED, Jan. 16, 1836,

*AN ACT to lay out a State Road from Chicago to Peoria.* In force, Jan. 16. 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James B. Campbell, of the county of Cook; William Seely, of the county of La Salle; Jesse Roberts, of the county of Putnam; Charles Ballance, of the county of Peoria, and John Sunderland, of Tazewell county, be, and they are hereby appointed commissioners, to view, survey, mark, and locate a road from Chicago, in the county of Cook, through Ottawa; to Peoria, in the county of Peoria, having in view the shortest and most eligible route, and paying due regard to public convenience. Commissioners appointed:

SEC. 2. The said commissioners, or a majority of them, shall meet at Peoria, on the first day of May next, or within sixty days thereafter, and being first duly sworn faithfully to discharge the duties required of them by this act, shall proceed to view, survey, mark, and locate said road; and as soon as practicable thereafter, the said commissioners shall make a report of their proceedings to the county commissioners' court of each county through which said road shall pass, which report shall be filed with the clerks of said courts. And the said road thus laid out, shall be, and is hereby declared a public state road, and shall be opened and kept in repair, in the same manner as other public roads. When and where to meet.

SEC. 3. The said commissioners may be allowed for their services, a compensation not exceeding two dollars per day, for all the time by them necessarily employed about said work, to be paid by the counties through which said road shall pass, in proportion to the extent of said road in each county. To report.

SEC. 4. Should the county commissioners' courts of any two counties through which said road shall pass, think it expedient to have a map of said road, it shall be the duty of Compe ion.

Compensation  
therefor.

said road commissioners to make and certify, or cause to be made and certified, a map of said road, and cause a copy thereof to be filed in the office of each clerk of the county commissioners' court, in each county through which said road shall pass; for which said maps, the said county commissioners shall allow reasonable compensation, to be paid by each county, in proportion to the extent of said road in each.

APPROVED, Jan. 16, 1836.

In force, Jan.  
15, 1836.

*AN ACT to locate a State Road from Commerce, in Hancock county, to Peoria.*

Commissioners  
appointed to  
locate road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Marvin Tryen, of Hancock county; Daniel Babbit, of Fulton county, and Thomas Phillips, of Peoria county, be, and they are hereby appointed commissioners, to view, mark, and locate a road, by setting stakes in the prairie, sufficiently close as to be easily followed, and marking the trees in the timber, from Commerce, in Hancock county, the nearest and best route to the town of Franklin, in said county; thence to some eligible crossing on Spoon river, in a direction to Farmington, in Fulton county; thence to Peoria, in Peoria county, having in view its permanency, and doing as little private injury as the public good will permit.

When and  
where to meet.

To be sworn.

SEC. 2. The said commissioners shall meet on the first Monday in March next, or as soon thereafter as practicable, at the town of Commerce, in Hancock county, and after being duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, and locate said road, designating the route by setting stakes in the prairie, and marks on the trees in the timber; and shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county commissioners' court of each of said counties, which shall be filed by him in his office: and said road, thus laid out, shall be, and is hereby declared a public state road, and shall be opened and kept in repair, in the same manner as other public roads are.

May employ  
assistance.

SEC. 3. The said commissioners, or a majority of them, shall be authorised to proceed and lay out said road, as required by this act, and call to their assistance such other help as may be necessary for the location of the same; and

the county commissioners' court of each county through which the same may pass, shall allow said commissioners, Compensation. and such other hands as they may employ to assist them, a sum not exceeding one dollar and fifty cents each, for every day necessarily employed in locating said road, to be paid out of the county treasury of each county, according to the distance said road may pass through the same, when said commissioners shall have filed a copy of the report, as is recited in this act, duly certified and attested by them.

APPROVED, Jan. 15, 1836.

*AN ACT to establish a State Road from Danville to Ottawa.* In force, Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Commissioners represented in the General Assembly, That Abraham Henkle, appointed. of Vermillion county; John Manning, of Champaign county; Fairchild Weed, of McLean county, and James B. Campbell, of La Salle county, be, and they are hereby appointed commissioners, to view, survey, and locate a road from Danville, in Vermillion county, to Ottawa, in La Salle county. Said commissioners, or a majority of them, shall meet at the house of Amos Galusha, in the town of Danville, on some day between the first days of May and October next, and proceed to survey, mark, and locate said road. Where said road shall pass through a prairie county, said commissioners shall cause to be erected suitable posts, within one-half mile of each other, and shall return to the county commissioners' court of each county through which said road shall pass, a plat of said road, designating therein the courses and distances; which said survey shall be filed and preserved in said courts. When and where to meet. Duty.

SEC. 2. The said road, when located as aforesaid, shall be a state road, and shall be opened and kept in repair, as other state roads are. Said commissioners shall receive, Compensation. each, two dollars per day, for every day's service, in making, surveying, and locating said road, which shall be paid in equal proportions by the county commissioners' courts of the several counties through which said road shall pass.

SEC. 3. That an act to locate a road from Danville to Ottawa, approved January 18th, 1833, be, and the same is hereby repealed. Act repealed.

APPROVED, Jan. 18, 1836.



In force, Jan.  
18, 1836.

*AN ACT declaring the Little Wabash River a navigable stream.*

Little Wabash  
declared a nav-  
igable stream.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the Little Wabash river be, and the same is hereby declared a navigable stream, up to the point where the northern boundary line of Clay county crosses the same.*

SEC. 2. This act to be in force from and after its passage.

APPROVED, Jan. 18, 1836,

In force, Jan.  
14, 1836.

*AN ACT to lay out a certain road therein named, and to authorise William Kirkpatrick to build a Toll Bridge across the Winnebago Swamp.*

Commissioners  
appointed to  
locate road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That James Wilson, of Tazewell county; Henry Thomas, of Putnam county, and Simon Reed, of Peoria county, be, and they are hereby appointed commissioners, to view, survey, mark, and locate a state road, to commence at the court house in Peoria, running thence by the the most direct and eligible route, to Rock river, to strike said river at a point on the first rapids below Dixon's ferry; and running thence, by the most direct and eligible route, to Galena; doing as little damage to private property as possible, and having a due regard to the public interest and convenience.*

When and  
where to meet.

To be sworn.

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Peoria, on the first Monday of June next, or as soon thereafter as practicable, and first being duly sworn before some justice of the peace, faithfully to perform the duties required by this act, shall proceed to view, mark, and locate said road, from point to point, on the nearest and best possible route, taking into consideration, as aforesaid, the public convenience, utility, and economy, so as to make the same a permanent road.

Shall report.

SEC. 3. Said commissioners shall, on or before the first day of December next, make out a report of their proceedings to the county commissioners' courts of the several counties through which the said road may pass, accompanied by a complete map of said road, which report and map shall be filed by the clerks of the county commissioners' courts of the several counties aforesaid, and shall form a

part of the records of said courts: and said road, when laid out as aforesaid, shall be considered a state road, and shall be opened and kept in repair as other state roads.

SEC. 4. Said commissioners shall receive for their services, per day, the sum of two dollars, while necessarily employed in said work; which, together with the necessary expenses for a surveyor and chain carriers, shall be paid for by William Kirkpatrick, of Rock river, it being hereby expressly enacted, that no part of said expenses shall be chargeable, or paid by the counties through which said road may pass, or by the state. Compensation.  
By whom paid.

SEC. 5. *Be it further enacted*, That the said William Kirkpatrick, his heirs and assigns, be, and they are hereby authorised and empowered, to erect a toll bridge across the Winnebago swamp, at the place where said road crosses said swamp. At either end of said bridge, the said Kirkpatrick, his heirs or assigns, are hereby authorised to place a toll gate, where he, or they, may ask and demand of all and every person or persons passing, the rates of toll, which, from time to time, may be fixed by the county commissioners' court, of the county in which said bridge may be situated. Wm. Kirkpatrick authorised to build a toll bridge.

SEC. 6. The said Kirkpatrick, his heirs, or assigns, shall commence the building of said bridge within one year, and have it so far completed within two years from the passage of this act, as to admit the safe passage of persons, wagons, teams, cattle, &c., over it. When to commence and to complete.

SEC. 7. The said William Kirkpatrick, his heirs and assigns, shall at all times after the completion thereof, keep said bridge in good repair, and allow a speedy passage to all persons, and their property, over it, upon the receipt of the tolls in such cases, as allowed, as is hereinafter provided. And if at any time the said bridge be left out of repair, so that the same be impassable for the space of twelve months, at any time, the said bridge shall accrue and belong to the county in which the same may be situated; *Provided, however*, That the destruction of said bridge by fire, high water, or other casualty, shall not work a forfeiture of the privileges hereby granted; but the said William Kirkpatrick, his heirs, or assigns, shall proceed immediately to repair the same. To repair.  
Provided.

SEC. 8. It shall be the duty of said Kirkpatrick, his heirs, or assigns, in order to entitle himself to the provisions of this act, to construct, and keep in repair, a causeway over the whole of the Winnebago swamp, to and from the bridge aforesaid, free of any and all expense to the county or counties in which the same may be situated. Shall make causeways.

SEC. 9. No person shall, within fifteen years there-

Privileges  
granted.

after, build a bridge, or establish a ferry, across said swamp, within one mile above or below said bridge; *Provided*, The said William Kirkpatrick, his heirs, or assigns, shall erect, and keep up said bridge, for that space of time: *Provided further*, The aforesaid privilege shall not extend so far as to prohibit any person from building a bridge, or establishing a ferry, across said swamp, on any county or state road laid out prior to the passage of this act.

County com-  
missioners may  
purchase said  
bridge.

SEC. 10. Whenever the county commissioners of the county in which said bridge may be situated, shall deem it expedient to purchase said bridge, they shall have the right so to do, by paying the said William Kirkpatrick, his heirs, or assigns, the original cost of said bridge; and for the purpose of enabling the county commissioners to make said purchase, it shall be the duty of the said Kirkpatrick, his heirs, or assigns, to file with the clerk of the county commissioners' court, such vouchers as shall be deemed sufficient by the commissioners, to ascertain the cost of said bridge.

Taxable.

SEC. 11. That the county commissioners of said county, shall have full power to levy a tax on said bridge, as is provided in an act to provide for the establishment of ferries, toll bridges, and turnpike roads, approved February 12th, 1827.

APPROVED, Jan. 14, 1836.

In force Jan.  
15, 1836.

*AN ACT to re-locate a State Road therein named.*

Commissioners.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Rittenhouse, John G. Short, and Robert Higgins of the county of St. Clair, be, and they are hereby appointed commissioners, to review, and re-locate so much of the state road leading from Belleville to Thomas Pulliam's ferry, as lies between Alexander Scott's and said Pulliam's on the Kaskaskia river.

When and  
where to meet.

SEC. 2. Said commissioners shall meet at the town of Belleville, on the first Monday of March, or as soon thereafter as practicable, and take an oath before some justice of the peace of said county, to faithfully and impartially execute the duties enjoined on them by this act; after taking said oath, said commissioners shall proceed to review and relocate said road, so as to do as little damage as practicable to farms and small tracts of land through which the same may pass. They shall report their proceedings to the



county commissioners' clerk, who shall file said report, and the road so re-located, shall be opened and kept in repair; and the former road after such re-location, shall be vacated; and the county commissioners' court, shall allow said commissioners a reasonable compensation for their services while engaged in the prosecution of their duties. Compensation.

APPROVED, Jan. 15, 1836.

*AN ACT to locate a Road from Quincy in Adams county, to Pittsfield in Pike county.* In force, Jan. 15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Samuel Stone, and Robert Kay of Adams county, and Thomas Pulliam of Pike county, be, and they are hereby appointed commissioners, to view, mark and locate a state road from Quincy in Adams county, to Pittsfield in Pike county. Commissioners appointed.

SEC. 2. Said commissioners, or a majority of them, shall meet at Quincy, on the first Monday in April next, or within thirty days thereafter; and after being first duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, on the most eligible and advantageous ground, and shall place in the prairies through which said road may pass, stakes of durable timber, and blazes on the trees in the timber. When and where to meet.

SEC. 3. As soon as practicable after said road is located, the said commissioners, or a majority of them, shall make a report thereof under their hands, and return the same to the clerks of the county commissioners' courts of Adams and Pike, which report shall be filed and preserved in their offices; and the said county commissioners' courts, shall cause so much of said road as lies in their respective counties, to be opened four poles wide, and the same is hereby declared to be a state road. To report.

SEC. 4. The county commissioners' court of the said counties of Pike and Adams, shall allow said commissioners a reasonable compensation for their services, to be paid out of the county treasuries. Compensation.

APPROVED, Jan. 15, 1836.

*AN ACT to locate a State Road from the termination of the  
Indiana State Road, to Ottawa.*

In force, Jan.  
18, 1836.

**Commissioners.** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Luther C. Chamberlain of Cook county, and William Stadden, and Daniel F. Hill of La Salle county, be, and they are hereby appointed commissioners, to view, survey, mark and locate a road from the termination of the Indiana state road, (which leads from Laporte in said state, to the line of this state in the direction of the Grand Rapids of the Illinois river,) to Ottawa in La Salle county, by the way of Marseilles, varying as little as practicable from a direct line, having in view the most eligible route, for its permanency, and a due regard to the public convenience.

**When and where to meet.** SEC. 2. That said commissioners, or a majority of them, shall meet on the third Monday of May next, or as soon thereafter as may be, at the town of Juliet in Cook county; and being first duly sworn, before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road; and as soon as practicable thereafter, cause to be made a map of the survey of said road, certified by them, and forward a copy thereof to the clerk of the county commissioners' court, of each of the counties through which said road shall pass, which shall be by him filed in his office; and the said road, thus laid out, shall be, and is hereby declared a public state road, and shall be opened and kept in repair, in the same manner as other public roads are.

**Shall make a map.**

**Compensation:** SEC. 3. The county commissioners of the several counties, shall allow said commissioners such compensation as to them shall appear reasonable and just, together with a reasonable compensation for one surveyor, two chain carriers, and one marker, which several sums shall be paid by the counties through which said road shall pass in proportion to the extent of said road in each.

APPROVED, Jan. 18, 1836,

In force, Jan.  
15, 1836.

*AN ACT to lay out a State Road therein named.*

**Commissioners:** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That James Gifford, Daniel S. Haight, and Josiah C. Goodhue, are hereby appointed commissioners, to view, survey and locate a road from

Meacham's Grove in Cook county, to Galena in Jo Daviess county.

SEC. 2. The said commissioners, or a majority of them, shall, on the first Monday in May 1835, or as soon thereafter as may be, assemble at Meacham's Grove in said Cook county, and after being duly sworn by some justice of the peace, faithfully to observe the provisions of this act, shall proceed to view and locate said road, making Elgin on Fox river, in Cook county, Belvidere on Square Prairie, in the county of La Salle, and Midway at the ford on Rock river, in the county of Jo Daviess, points on the said road, and shall fix the said road on the most advantages ground, for a permanent road, having reference to said points; and the said commissioners shall, on or before the first day of the month of November next, make, or cause to be made, true surveys and maps of said road, signed by them, or a majority of them, to be lodged with each of the county commissioners' courts, in the counties respectively through which the said road passes; which road when laid out shall be deemed and considered a public state road; and the county commissioners' courts of the counties through which the said is located, shall cause the same to be opened four poles wide and to be worked and kept in repair as other public roads are: *Provided however*, That the commissioners appointed by the first section of this act, shall not receive from the State Treasury, nor from the treasuries of the counties through which the said road passes, any compensation for their services rendered, about the laying out and locating of the said road. When and where to meet.

SEC. 3. That David W. Whitney, Stephen Mack, and John P. Bradstreet, be, and they are hereby appointed commissioners, to view and locate a state road from Belvidere on Square Prairie, in La Salle county, to the mouth of the Peketonica river, so as to best accommodate the inhabitants between those points. The said commissioners, or a majority of them, shall meet at Belvidere aforesaid, on the first Monday of May, or as soon thereafter as may be, and after having been duly sworn by some justice of the peace, shall proceed to locate said road, and make return as is provided by the second section of this act; *Provided always*, That the said last named commissioners shall not be entitled to any compensation, either from the state, or counties through which the said last mentioned road may pass, for the expense of locating the said road. Commissioners to locate a certain other road.

APPROVED, Jan. 15, 1836.



In force, Jan. 18, 1836. *AN ACT to change a part of the State Road between Peoria and Galena, and Havana and Macomb.*

Commissioners appointed to locate road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Simon Reed, Roland Thomas, and John Bristol, be, and they are hereby appointed commissioners, to view and re-locate that part of the state road between Peoria and Galena, which lies between the north line of township nine north, and Joseph B. Meredith's in Peoria county.*

When and where to meet.

SEC. 2. The said commissioners shall meet at the house of Linus Scovill, on the first Monday of May next, or within sixty days thereafter; and after being duly sworn, by some justice of the peace, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view and re-locate said road, keeping in view the shortness of the route and the eligibility of the ground; doing as little injury to private property as the public good will permit.

Report.

SEC. 3. The said commissioners, so soon as they shall have completed said work, shall make a report thereof under their hands, and return the same to the county commissioners' court of Peoria county.

Compensation.

SEC. 4. When the said report shall be filed in the office of the county commissioners' clerk as aforesaid, the county commissioners may allow the commissioners appointed by this act, such compensation as to them shall appear reasonable and just.

Road vacated.

SEC. 5. That so much of the said road as may be changed by the provisions of this act, is hereby vacated.

Commissioners to view a road in Fulton.

SEC. 6. That Hugh Lamaster, Thomas W. Clark, and Henry David, are appointed commissioners to review, mark and locate so much of the state road from Havana to Macomb, as lies in the county of Fulton, and to relocate a part of the same, beginning at the mouth of Spoon river, and proceed on the present route, until it intersects the east and west line of section sixteen, in township four north, range three east; thence to the north east corner of the south east quarter of section seventeen; thence west through the centre of section seventeen and eighteen, as near as practicable, to the present location of said road, doing as little injury to private property, as the public good will permit.

When and where to meet.

SEC. 7. The said commissioners, or a majority of them, shall meet at the mouth of Spoon river, on some day after the first Monday in April next; and after being duly sworn before some justice of the peace, faithfully to view and locate said road, shall proceed to execute the duties required by this act.

SEC. 8. As soon as practicable after said road is located, said commissioners, or a majority of them, shall make out <sup>To report.</sup> a report, accompanied by a map of said road, noting the course and distance from point to point, with such other remarks as they may deem necessary and proper; and transmit the same to the clerk of Fulton county commissioners' court, which shall be filed and preserved in his office.

SEC. 9. When said road shall be located, it shall be a state road, and opened and kept in repair as other state roads; and so much of the present road as shall be changed by the relocation of said road, shall be vacated.

SEC. 10. Said commissioners shall be allowed a reasonable compensation for their services, to be paid out of the Compensation. county treasury of said county.

APPROVED, Jan. 18, 1836.

*AN ACT to lay out a State Road from the Wabash River to the National Road.* In force, 14th Jan., 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Jacob Harlan, <sup>Commissioners</sup> James B. Anderson, and Royal A. Nott, are hereby appointed commissioners, to mark and lay out a road from the Wabash river at Darwin, to the seat of justice of Clark county, doing as little damage to private property, as is consistent with the public good.

SEC. 2. Said commissioners shall proceed to discharge <sup>When to com-</sup> the duties assigned them, on some day after the 27th day <sup>mence said</sup> February 1836, and shall make a full report of the surveys, <sup>work.</sup> courses and distances of said road, to the county commissioners' court of Clark county. Said road shall be four rods wide, and when so laid out, is hereby declared a state road, to be kept in repair as other state roads are.

SEC. 3. The county commissioners' court of Clark county, are hereby required to pay over to William B. Archer, <sup>W. B. Archer</sup> the proceeds of the sales of all the county lots in the town <sup>authorised to</sup> of Darwin, that may be sold hereafter; and said Archer <sup>expend certain</sup> shall expend the same in improving said road between <sup>money on said</sup> Darwin and the Bluff, south of McClure's. <sup>road.</sup>

SEC. 4. Said Archer shall also, out of the money received from the Vermillion Saline lands, cause to be built, a substantial wooden bridge across Big creek, where the same is now crossed by the Vincennes and Chicago road, and also a bridge of the same kind across Mill creek, where

said road shall cross, and the balance of said appropriation shall be expended under the direction of said Archer, in improving that part of said road mentioned in the third section of this act.

To report.

Give bond.

SEC. 5. Said Archer shall from time to time, make to the commissioners' court of said county, a full report of all his proceedings under this act: *Provided*, That said William B. Archer shall, before he enters upon the discharge of the duties enjoined upon him by this act, enter into bond, with such security as shall be approved of by the county commissioners' of Clark county, payable to said commissioners, and their successors in office, for the use of said county, in the penal sum of two thousand dollars, conditioned for the faithful performance of said duties.

APPROVED, Jan. 14, 1836.

In force Jan. 16, 1835. *AN ACT to locate a State Road from Liberty to Tremont.*

Commissioners

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Benjamin Briggs, Josiah L. James, and Nathan Dillon, be, and they are hereby appointed commissioners, to view, mark and locate a state road, from Liberty in Tazewell county, to Tremont, having a due regard in said location, to a direct line and the convenience of the citizens.

When and where to meet.

SEC. 2. Said commissioners shall meet at Tremont on the first Monday of March next, or within three months thereafter at the town of Tremont; and being first duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark and locate said road; and as soon as practicable thereafter, cause to be made a map of the survey of said road certified by them, and deliver a copy thereof to the clerk of the Tazewell county commissioners' court, who shall file the same in his office; and the said road thus laid out, shall be, and is hereby declared a state road, and shall be opened and kept in repair as other state roads.

Make a map.

Compensation.

SEC. 3. Said commissioners shall receive for their services a reasonable compensation, to be paid out of the county treasury of Tazewell county.

Certain road declared a state road.

SEC. 4. That the road commencing at the Pekin road, and at the centre of section twenty-seven, town twenty-four, range four; and running due north, to the centre of section fifteen, in the same town and range; and from



thence due east one half mile, shall be established and confirmed a state road, and worked and kept in repair as other state roads are.

APPROVED, Jan. 16, 1836.

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*AN ACT to improve a certain road in Edgar county.* In force Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Edgar county shall, and it is hereby made their duty, to expend so much of the donation growing out of an act of 1829, entitled "an act providing for the sale of the Vermilion Saline Reserve," and appropriating so much of the avails thereof, as will bridge or causeway the sloughs on the Springfield road in Edgar county, between Paris in said county, and Nathaniel Wayne's, so as to make said road convenient and safe for the accommodation of travellers.

APPROVED, Jan. 16, 1836.

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*AN ACT to locate a State Road between Mount Carmel in Wabash county, and Maysville in Clay county.* In force 9th Jan. 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John T. Lawler, and Alexander Phillips of the county of White, and Hugh Stewart of the county of Wayne, be, and they are hereby appointed commissioners, to survey, view and permanently locate and mark out a state road from Mount Carmel in Wabash county; to Maysville in Clay county, to cross the little Wabash river, at the most eligible point, below the mouth of the Muddy branch of the said river. Commissioners appointed.

SEC. 2. The said commissioners shall meet at the court house in Mount Carmel on the second Tuesday in May next, or within sixty days thereafter, and having first taking an oath or affirmation before some justice of the peace, faithfully and impartially to execute and perform the duties imposed upon them by this act, shall proceed to examine and survey the route of the said road and shall upon such examination and survey, locate the said road, upon the most When and where to meet.  
To be sworn.

eligible route for the same, having due regard to the ground for such location, that shall admit of the cheapest and most permanent construction of the said road, and of the bridges and other structures necessary to be erected thereupon.

Authorised to employ survey-  
ors. SEC. 3. That the said commissioners be, and they are hereby authorized to employ a competent and skilful surveyor, to aid them in the discharge of their duties, which said surveyor before entering upon his duties, shall also take an oath or affirmation, faithfully, skilfully and impartially, to execute all surveys and examinations which the said commissioners shall direct him to make on any proposed route for the said road; and to make a just and true report of such survey and examination to them, and the better to enable the said surveyor, to make such report, the chain carriers, and other assistants are hereby required, to take an oath or affirmation, to perform their respective duties, faithfully and impartially.

Shall be sworn.

Make report

To put up posts. SEC. 4. On the final location of the said road the said commissioners shall cause the line thereof to be distinctly marked out, and shall cause posts to be permanently fixed in the ground at the end of each and every mile, marked with the number of miles from Mount Carmel; and shall make out plat cause a description and plat of the route of the said road to be made out, and a copy of which said description and plat shall be returned with the report of the commissioners to the clerks of the commissioners' court in each and every county, through which said road shall run.

Declared a state road SEC. 5. The said road when so located, marked and laid out, shall be deemed and considered a state road, and the respective counties through which the same shall run, shall appoint supervisors, to open and work, and keep the same in repair, as other state roads now are, or hereafter may be required by law, to be opened, worked and kept in repair, and the said commissioners shall make out a report, signed by at least a majority of them, of all their proceedings had in relation to this act; a copy of which said report, together with a bill of the expences of the survey and location, and a copy of the description and plat of the said road, shall be filed with the clerk of the commissioners court of each county through which the road shall pass, which said report, description and plat, the said clerks are hereby required to record in their respective offices, and any omission on the part of the said clerks to record the same, shall in nowise exonerate the county or counties, in which said omission shall take place, from opening, working or keeping the said road in repair.

Commissioners to report and where report to be filed.

SEC. 6. The commissioners shall be entitled to receive one dollar and fifty cents per day, for each and every day

they may be actually engaged in the discharge of their duties, and the surveyor and assistants shall be paid such reasonable compensation, as the said commissioners shall deem reasonable and just, and the expences accruing under the provisions of this act shall be paid in the following mannner to wit: one half of the whole amount shall be paid by the county commissioners court of the county of Wabash, and the residue shall be paid in equal sums, by each of the other counties through which said road shall run.

SEC. 7. It shall and may be lawful for any individual or association of individuals to open and work the said road or any part thereof and to construct any bridges, causeways, or other structures on the said road, for the public use, and such work, bridges and other structures shall be protected from injury, in the same manner as if the same had been made, or erected by the supervisors of the said road.

SEC. 8. That when the said road, or any part thereof shall be open and fit for use, and which said part so opened and fit for use, shall supersede the whole or any portion of the former state road, heretofore laid out between Mount Carmel and Maysville it shall be lawful for the county commissioners court of the respective counties, in which said new road shall supersede the former road as aforesaid, to pass an order to vacate the said former road, or such part thereof a shall have been so superseded.

SEC. 9. This act to be in force from and after its passage.  
APPROVED, Jan 9. 1836.

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*AN ACT to locate a State Road therein named.*

In force, Jan.  
13, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Appointment  
*represented in the General Assembly, That James Ballard,* of commission-  
*John F. Youngkin, and William Eldridge, be, and they are* ers.  
*hereby appointed commissioners to view, locate, and lay out*  
*a state road from the Bonpas bridge in section twenty-two,*  
*township one north, range fourteen west, in Edwards county*  
*to Bedell's mills, on the great Wabash river, in Wabash county.*

SEC. 2. The said commissioners shall meet at the house Where and  
of Samuel Mundy, in Wabash county, on the first Monday when to meet.  
in February next, or within twenty days thereafter, and  
having taken an oath or affirmation faithfully, impartially, To be sworn.  
and diligently to perform the duties imposed upon them by  
this act, shall proceed to view, locate, and lay out a road  
between the points named in the first section of this act, on



the most eligible route, having due regard to the convenience of the citizens, and doing as little injury to private property as practicable; and shall mark out the road, when so located by them, by distinct marks in the timber land, and by substantial and durable posts set up in the prairies at suitable intervals on the route thereof.

Shall report to  
county com-  
missioners of  
Wabash coun-  
ty.

SEC. 3. The said commissioners shall make out and return to the clerk of the county commissioners' court of Wabash county a full report of their proceedings had in pursuance of this act, designating the route of the said road; which report shall be filed and recorded by the said clerk, and the said road, when so laid out, located, and marked, shall be considered a state road, and the same shall be opened, worked, and kept in repair in the same manner as other state roads are opened, worked, and kept in repair.

Compensation

SEC. 4. The said commissioners' shall be entitled to receive the sum of two dollars per day for each day's services while employed in laying out said road, which, with the other expences attending the same, shall be paid by the county commissioners' court of Wabash county.

APPROVED, Jan. 13, 1836.

In force, Jan.  
16, 1836.

*AN ACT to locate a State Road from Rushville to Warsaw.*

Commissioners  
appointed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Capt. Daniel Matheny, of Schuyler county, and William Abernathy, of Hancock county, be, and they are hereby appointed commissioners, to view, mark, and locate, a state road, to commence at Rushville, in Schuyler county, thence on the nearest and best route, to Warsaw, in Hancock county.*

When and  
where to meet

SEC. 2. The said commissioners shall meet at Rushville, on the first Monday in the month of June next, or within three months thereafter, and after being sworn by

Commissioners  
to be sworn.

some justice of the peace, faithfully to discharge the duties required by this act, shall proceed to view, mark, and locate said road, from point to point, as directed by the first section of this act, upon the nearest and best route, avoiding as much as practicable, any injury to farms, improvements, and private property, on said route, and make, and return to the county commissioners' court, of each county through which said road shall pass, a certified report of said road, describing, as nearly as practicable, the route, and distance of said road, which shall be filed with the several clerks o

To report.

the county commissioners' courts through which said road shall pass, within one month after said road is, or shall have been located: and said road, when so located, shall be deemed a state road, and kept in repair as other state roads are.

SEC. 3. The county commissioners' courts may, of each county through which said road may pass, in their discretion, allow to said commissioners, appointed under this act, a sum not exceeding one dollar and fifty cents, per day, for each day necessarily employed by them, in the discharge of the duties assigned them by this act, to be paid out of the county treasuries, of each county through which said road shall be located, in proportion to the extent of said road therein. Compensation.

SEC. 4. The county commissioners' courts, of the counties through which said road may pass, may, if they think proper, cause said road commissioners, appointed by this act, to have said road surveyed, and plats thereof to be filed in the clerk's office of the county commissioners of Schuyler county, and Hancock county, the expense thereof, to be paid in the manner and proportion, as provided by the third section of this act. May be surveyed.

APPROVED, Jan. 16, 1836.

*AN ACT to locate a State Road therein named.*

In force, Jan. 13, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the act, approved the 24th of January, 1835, appointing commissioners to locate a state road therein named, be, and the same is hereby declared to be in full force and effect; *Provided,* The said commissioners shall locate the same within one year from the passage of this act. Act repealed.

SEC. 2. That James Riggin and William Welch, of the county of St. Clair, and Gershom Flagg and Samuel Segbole, of the county of Madison, be, and they are hereby appointed commissioners, to view, mark, and locate a road from Lebanon to Lower Alton, on the Mississippi river. Commissioners appointed to locate road.

SEC. 3. The said commissioners, or any two of them, shall meet in the town of Lebanon, within one year from the passage of this act; and shall, before entering on the duties assigned them, take an oath, before some justice of the peace of the county in which they meet, faithfully and impartially to perform the duties assigned them by this act, and proceed to mark, and locate said road, on the nearest and most eligible route. Where and when to meet.

To be sworn.

To make re-  
port.

Appoint super-  
visors.

Compensation  
of commission-  
ers.

SEC. 4. The said commissioners shall cause a true report of said road, signed by them, to be lodged with each of the county commissioners' courts in the counties through which it may pass; which road, when laid out as aforesaid, shall be deemed a public state road; and the county commissioners of the counties through which said road may be located, shall appoint supervisors, and cause it to be opened, and kept in repair, as other public roads: and the said commissioners shall receive out of the treasury of the county in which they reside, one dollar per day, for the aforesaid services.

APPROVED, Jan. 13, 1836.

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In force, Jan.  
12, 1836.

*AN ACT declaring the Road lying in Edgar County, between A. Forster's and H. G. Smith's, a State Road.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the road intersecting the state road, at the house of Arthur Foster, in Edgar county, running from thence to John Forster's, Robert Dudley's, Michael O'Harris', James Griffin's, Ashford Mapiers', Thomas Hicklin's, Emanuel Pence's Mr. Moses', and to Emanuel Jinks', so as to strike the line dividing the lands of said Jinks and Charles Smith, and thence to intersect the Vandalia road, at Henry G. Smith's, be, and the same is hereby declared a state road, as now travelled, and shall be opened and kept in good repair, as other state roads are.*

APPROVED, Jan. 12, 1836.

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In force, Jan.  
18, 1836.

*AN ACT concerning the transcribing certain Records.*

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county commissioners' courts, of any of the counties in the Military Tract, when they shall appoint a commissioner to transcribe certain records, as provided by an act to provide for transcribing certain records therein named, approved February 12th, 1836, are hereby authorised and empowered to allow said commissioners, such reasonable compensation, in addi-*



tion to the compensation authorised by the above recited act, not exceeding seventy-five cents for each deed, or title paper, so transcribed, as they may deem proper.

APPROVED, Jan. 16, 1836.

*AN ACT declaratory of the Law in relation to the Road Tax.* In force, Jan. 15, 1836.

WHEREAS, It is represented to the present General Assembly, that several of the clerks of the county commissioners' courts, have required citizens of this state to pay a road tax upon lands situated in counties where a road tax has been levied, because, in the counties where such citizens reside, no road tax has been levied, notwithstanding the law requires those clerks to mark the road tax "paid," upon all lands which are listed for taxation in other counties, whether a road tax upon land has been levied in such other counties, or not; Therefore,

SEC. 1. *Be it enacted by the people of the State of Illinois,* Tax on lands in counties where a tax has been levied. *represented in the General Assembly,* That, if any land listed for taxation, in any county in which it is not situated, shall be advertised and sold, in the county in which it is situated, for any road or county tax thereon, such sale shall be deemed to be void; and it shall be the duty of the clerk who sold the same, or his successor in office, on ascertaining the fact, that such land was previously listed in some other county for taxation, to cancel the sale thereof; and if the purchase money still remains in his hands, to refund the same to the person who purchased the land at the tax sale. Sale of lands for tax in counties in which it is not situated. If the money shall have been paid into the county treasury, the clerk shall issue an order upon the county treasurer, who shall pay the same without delay, out of any money in the treasury. Duty of clerk and treasurer.

SEC. 2. It shall be the duty of the secretary of state, to cause this act to be published, in the newspaper printed by the public printer, immediately upon its passage. Duty of secretary of state.

APPROVED, Jan. 16, 1836.

*AN ACT, supplemental to an act, changing the terms of holding the Circuit Courts, in the third Judicial Circuit, passed at the present session of the General Assembly.*

Regulating process, suits, &c.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all process, suits, and recognizances, which have been, or may be issued, or entered into, and made returnable to the courts, as at present arranged, shall be taken, and considered to be returnable to the terms fixed by the act to which this is a supplement, and shall be as valid as if made returnable to the terms fixed by the act to which this is a supplement.*

APPROVED, Jan. 16, 1836,

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In force Jan. 14. 1836.

*AN ACT concerning the Public Square in the town of Jacksonville.*

County commissioners to enclose public square.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the county commissioners' court of Morgan county, is hereby authorised to cause, or permit the public square, in the town of Jacksonville, to be enclosed, for the protection and preservation of the public buildings erected there, or by running a fence across the state road passing through said square; Provided, That one hundred feet shall be left open, between the lots on the square and the fence, as a public highway; and the state roads passing through the said square, are hereby changed, so as to pass upon the space required to be left open aforesaid.*

APPROVED, Jan. 16, 1836,

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In force, Dec. 8, 1835.

*AN ACT concerning the sale of certain School Lands, situated in the County of Tazewell.*

When may be sold.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That whenever congressional townships twenty-eight north, range two west, and of twenty five north, range two west, of the third principal meridian, in the county of Tazewell, shall each contain ten resident freeholders therein, such freeholders, together with*

the legal voters residing in the township, may present a petition to the school commissioner of the county, for a sale of the sixteenth section therein; who shall, upon being satisfied that the petition has been signed by all the freeholders and legal voters therein, by the affidavit of two of such voters, present the said petition to the county commissioners' court of the county, at the next term after the petition shall have been presented to him, as aforesaid; and if the said court shall be of opinion that the sixteenth section in said township, ought to be sold, pursuant to the wish of the freeholders and voters aforesaid, they shall make an order, directing the school commissioners to make sale of the same: and such commissioner shall, thereupon, advertise and sell the said sections, in the manner, and upon the terms, provided for the sale of sections sixteen, in other townships.

This bill having been laid before the Council of Revision, and ten days not having intervened, before the adjournment of the General Assembly; and the said bill not having been returned with the objections of the Council, on the first day of the present session of the General Assembly, the said bill has become a law.

Given under my hand, this 8th day of December, 1835.

A. P. FIELD,

*Secretary of State.*

*AN ACT making a partial Appropriation.*

In force, Jan<sup>y</sup>  
2, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be, and he is hereby required to draw his warrant on the treasury, for the sum of one hundred dollars to each member of the General Assembly; and a like warrant to the speaker of each house, the secretary of the Senate, and the clerk of the House of Representatives, and assistant clerks of each house; to each of the engrossing and enrolling clerks, and door keepers of both houses.

APPROVED, Jan. 2, 1836,



In force, Dec.  
19, 1835.

*AN ACT to provide for the sale of the land that has been selected for the use of Schools in lieu of the sixteenth section, in fractional township, thirteen south, range three west, in Union county.*

To be held by  
school commis-  
sioners

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That any lands which have been selected in lieu of the sixteenth section in fractional township thirteen south, of range three west in Union county, may be sold by the school commissioner, in the same manner now prescribed by law, upon the petition of the majority of the inhabitant voters of said fractional township, for the benefit of the said inhabitants, any law to the contrary notwithstanding. This law to take effect from and after its passage.*

APPROVED, Dec. 19, 1835.

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In force, Jan.  
13, 1836.

*AN ACT concerning the redemption of Lands sold for taxes.*

Infants re-  
deeming land  
sold for taxes.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That when any person shall be permitted to redeem any land sold for taxes, as heir or devisee, under the provisions of any law of this state allowing infants to redeem land sold for taxes, it shall be the duty of the clerk or auditor permitting such redemption, to make a copy of the evidence produced, and certify such copy, and file and preserve the same; and a certified copy of such copy shall be evidence of the existence of the original; and the person redeeming shall be permitted to retain the original evidence.*

APPROVED, Jan. 13, 1836.

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In force Jan.  
9, 1836.

*AN ACT making compensation to the person therein named.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the Auditor be, and he is hereby directed to issue his warrant in favor of B. W. Brooks, for the sum of seventy-five dollars in full for surveying the road leading from Vandalia to the town of America.*

APPROVED, Jan. 9, 1836.

*AN ACT concerning the Public Revenue.*In force Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the several revenue laws of this state as require the state treasurer to pay the county commissioners of each of the counties of Pike, Adams, and Schuyler, for the use of said counties, any sum or sums of money, be repealed; and hereafter the sheriffs of those counties shall pay into their respective county treasuries the whole amount of the tax collected by them on lands lying within the said counties, at the same time, and in the same manner as is provided by law for all the counties in this state except the counties on the Military Bounty Tract.

APPROVED, Jan. 15, 1836.

*AN ACT for the benefit of the inhabitants of fractional range eleven, in White County.*

In force Jan.  
13, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter the townships in fractional range eleven, in White county, shall be attached for all school purposes to the adjacent townships in fractional range fourteen in said county.

APPROVED, Jan. 13, 1836.

*AN ACT to confirm the Survey and Plat of the town of Clayton.*

In force Jan.  
13, 1836.

WHEREAS, it is represented to this General Assembly, by the proprietors and owners of lots in the town of Clayton, Adams county and state of Illinois, that after the said town was surveyed, and a plat thereof was made out and recorded in the recorder's office of the said county, and before any lots therein were sold, a new survey and plat of said town (on a more liberal and enlarged plan) was made out, which new plat is now recorded in the said recorder's office: and whereas it is further represented as aforesaid, that the lots in said town were numbered and sold according to the said new survey and plat. Therefore.

Preamble.

First plat an-  
nulled 2d plat  
confirmed.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said first named plat and survey be annulled and held for nought, and the said new plat and survey be, and is hereby declared as valid and effectual to all intents and purposes as though no other survey and plat thereof had ever been made, and the said new plat had been recorded before the sale of lots therein.

APPROVED, Jan. 13, 1836.

In force Jan.  
16, 1836.

*AN ACT for the protection of Stock against Castor Beans.*

Cultivation of  
Castor beans.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no person or persons shall hereafter be permitted to plant and cultivate castor beans, without securing the same with as good and sufficient a fence or fences as is generally put up, and used, for the protection of grain crops in the neighborhood.

Fine;

SEC. 2. That all persons violating this act shall be fined in the sum of twenty-five dollars, to be sued for, and recovered, by any person, before any justice of the peace within the proper county, in an action of debt, the one half whereof shall go to the person so suing, the other half into the treasury of the county where such penalty is recovered; nothing herein contained shall in any wise prejudice the owner or owners of animals which may be injured by the negligence of any of the persons aforesaid from recovering adequate damages for such injury.

This act to take effect from and after its passage.

APPROVED, Jan. 16, 1836.

In force, Dec.  
8, 1835.

*AN ACT to authorise Aurelia Hotchkiss to sell or exchange a certain tract of Land.*

Aurelia Hotch-  
kiss authorised  
to sell lands.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Aurelia Hotchkiss of Edgar county, be, and she is hereby authorised and empowered as guardian for the infant heirs of Horace Hotchkiss deceased to sell all the right title and interest of said heirs in and to the west half of south east quarter of section twenty-eight, in township thirteen north range thirteen



west in the district of land sold at Palestine in this state, and which descended to the said infant heirs, or, she may in her discretion exchange their interest therein for other lands.

SEC. 2. That the said Aurelia Hotchkiss upon filing bond To give bond. with the judge of probate of Edgar county with one or more sufficient securities to be approved by said judge for the use of said infant heirs in such sum as the said judge of probate shall deem sufficient, conditioned to faithfully account for, and apply the said proceeds of the sale of said lands of said infants, investing the same in the purchase of other real estate for their benefit, under the direction of said judge of probate of said county of Edgar, and, *Provided also*, if the said Aurelia Hotchkiss shall exchange the said land as she is herein authorised to do, then it shall not be necessary for her to give bond as required in the second section of this act.

SEC. 3. And be it further enacted, that the said Aurelia To make deed. Hotchkiss upon filing such bond as aforesaid, is hereby authorised and empowered to make in case of the sale, or exchange of the said lands for other lands a good and sufficient warranty deed or deeds therefor, which shall vest the title thereto in the purchaser or person with whom she may make such sale or exchange as if executed by said heirs when of lawful age.

SEC. 4. And the said Aurelia Hotchkiss is further required, in case of selling said land and the purchasing of other Deed to be taken in name of the heirs. lands or the exchanging thereof for other lands, to take a title in the name of the infant heirs with the proper covenants of title and warranty in fee simple for their use and benefit, and said lands so purchased shall be vested absolutely in said heirs, subject however, to the widow's dower in the manner as the lands now owned by said heirs are, provided the widow relinquishes her dower in the land authorised to be sold by this act.

This act to be in force from its passage.

This bill having laid before the council of revision and ten days not having intervened, before the adjournment of the general assembly, and the said bill not having been returned, with the objections of the council on the first day of the present session of the general assembly, the said bill has become a law.

Given under my hand this 8th day of December, 1835.

A. P. FIELD.

Secretary of State.

In force Jan 2, 1835. *AN ACT for the benefit of the infant heirs of James Evans Sen'r., deceased.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William M. Evans of Morgan county, be, and he is hereby authorised to sell the north west quarter of the south east quarter of section number seventeen, in township number sixteen, north of range number eleven west of the third principal meridian, which was lately the property of James Evans, Sen'r., deceased, on such terms as the said Wm. M. Evans, may think the most profitable and advantageous to the heirs of the said James Evans Sen'r. deceased.*

SEC. 2. *That previous to the sale of said land, the said Wm. W. Evans, shall give notice in some newspaper printed in this state, of the time and place said land shall be offered for sale, at least four weeks before the day of said sale.*

SEC. 3. *That whenever the said William M. Evans, shall obtain the money by the sale of said land as aforesaid, it shall be his duty to purchase other land in the names of the several heirs of the said James Evans Sen'r., deceased.*

*This act to be in force from and after its passage.*

*This bill having laid before the Council of Revision, ten days, (Sundays excepted,) and the General Assembly being in session, it has become a law this second day of January 1836.*

A. P. FIELD, *Secretary of State.*

In force Dec. 8, 1836. *AN ACT for the benefit of the infant heirs of Robert B. Murphy, late of Perry County, deceased.*

Guardian au-  
thorized to sell  
lands.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That whenever a guardian shall be appointed by the Probate court of the county of Perry, for the infant heirs of Robert B. Murphy, late of said county, deceased, to wit: Mary, Sarah, Samuel B. and Ellen Murphy, and shall have filed with the said court, a bond with good and sufficient securities, to be approved of by said court, in such sum as may be deemed sufficient by said court, conditioned for the faithful discharge of the duties enjoined by this act; and that as guardian of the said infant heirs, he will well and truly vest the proceeds of*

the sale of the lands of which the said Robert B. Murphy died seized and possessed and occupied by him as a plantation, with the lands attached thereto, lying and being in Perry county, in other real estate unimproved, in some land district in this state, making the best selection for said heirs; said guardian shall be, and he is hereby empowered to sell and convey by sufficient deed or deeds, all the lands of the said Robert B. Murphy deceased, and which have descended to the said infants as his heirs at law, known as his plantation, and the lands attached thereto, for the use of the same in Perry county aforesaid, at private sale, upon such terms as to the said guardian may seem most advantageous for the said heirs.

SEC. 2. So soon as the money is realized from said sales, it shall be the duty of the said guardian, to vest the proceeds thereof in other unimproved lands, at the price demanded for the same by the United States, in some one or more land districts of this state, having due regard to the quality of said land, advantages of situation, and probable prospective value thereof; which said land shall be purchased by said guardian for said heirs, in their names, and as tenants in common.

Proceeds to be  
invested in  
other lands.

SEC. 3. Should the said guardian have funds in his hands, arising from the sale of the personal estate of the said Robert B. Murphy deceased, more than sufficient to educate and maintain the said infants, it shall be his duty to vest such overplus in unimproved lands at government price, in the manner provided in the second section of this act.

Surplus of per-  
sonal estate  
how applied.

This act to take effect, and be in force from and after its passage.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council, on the first day of the present session of the General Assembly, the same bill has become a law.

Given under my hand this 8th day of December, 1835,

A. P. FIELD,  
*Secretary of State.*



In force Jan  
16, 1836.

*AN ACT for the relief of Timothy Guard and others.*

Preamble.

WHEREAS, Timothy Guard has been engaged in the manufacture of salt in this state, that necessary article, and persevered under circumstances which would have appalled and relaxed the courage of almost any man, and has sustained great losses in trying the experiment to make salt by burning stone coal: Therefore—

Payment of -  
rent.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That said Timothy Guard be, and he is hereby released from the payment of his rent in part, viz: that he be only required to pay the sum of two hundred and fifty dollars per annum, from the fourth day of December eighteen hundred and thirty-four, up to the expiration of his present lease, viz: December fourth, eighteen hundred and forty; and the accounting officers will make the above deduction, any law, and his contract to the contrary notwithstanding.

Deduction for  
other persons.

SEC. 2. That Hampton Weed, the occupier of the lot formerly leased by Andrew Frazer, be allowed a deduction of forty-eight dollars per annum, from the fourth of December eighteen hundred and thirty-four, in addition to the relief heretofore granted to the lessee of said lot.

And that Benjamin White be allowed a further deduction of rent upon his lease, of fifty-six dollars and twenty-five cents from the said period.

APPROVED, Jan. 16, 1836,

In force, Jan.  
16, 1836.

*AN ACT concerning the publication of the Laws and Journals.*

Duty of Secre-  
tary of State.

SEC. 1, *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Secretary of State shall deliver to the public printer, within ten days after the adjournment of each session of the General Assembly, copies of all laws and joint resolutions passed by such General Assembly, and which may be required to be printed. The secretary of state shall hereafter superintend the printing of the journals.

Duty of Secre-  
tary of Senate  
and Clerk of  
H. R.

SEC. 2. The journal of each house of the General Assembly, shall hereafter be kept in well bound books. The secretary of the Senate, and clerk of the house of representatives, shall furnish to the public printer, every morning

during each session of the General Assembly, a copy of the journal kept by them respectively, of the day preceeding the last day's journal; and the said secretary and clerk shall, within ten days after the adjournment of each session of the General Assembly, deposite the original journal kept by them as aforesaid with the secretary of state.

SEC. 3. Hereafter the binding of the laws shall be completed within seventy-five days from the time the copies are delivered to the public printer by the secretary of state. Binding.

SEC. 4. If the public printer shall fail to print the laws and journals within the time limited by law, or if he shall fail to have the laws bound within the time limited, it shall be the duty of the secretary of state, to state in the certificate which he is required to give to such printer, the time at which such laws and journals should have been printed, and the time at which the binding should have been completed, and the time at which the said printing was completed; and the Auditor shall thereupon deduct from the price of such printing, if the failure be in the printing, or if the failure be in the binding, deduct from the price of such binding, six per cent. per week, on the price of the printing or binding, as the case may be, and issue his warrant on the treasury, for the sum due such printer, after making the deductions aforesaid. Public Printer failing to comply shall forfeit six per cent.

APPROVED, Jan. 16, 1836,

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*AN ACT supplemental to "an act, to incorporate the subscribers to the Bank of the State of Illinois."* In force, Jan. 16, 1836.

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That it may be lawful for the State Bank of Illinois, to sell or vend at public auction, the capital stock provided for in the second section of the act to which this is a supplement, at any place or places to be designated by said bank or corporation, within the limits of this State, having given four week's notice prior to such sale, in at least four of the public papers printed within this state; and the profits arising from such sales; shall belong exclusively to the bank, upon the conditions as provided in the third and fourth sections of this act. Bank to sell capital stock. Notice. Profits.

SEC. 2. There may be established in addition to the branches or offices of discount and deposite, now provided Additional branches.

for in the 8th section of the act to which this is a supplement, any number not exceeding three, at the option of said bank.

Additional  
time.

SEC. 3. The corporation shall have fifty days in addition to the time now allowed in the 25th section of the act to which this a supplement, for the redemption of its notes and evidences of debt, as provided for in the above recited section.

Corporation to  
enter into con-  
tract with the  
Governor.

SEC. 4. The corporation or bank, shall not be entitled to the benefits or provisions of this act, until the said corporation, in consideration thereof, shall have entered into contract with the Governor of the state of Illinois, to redeem the loan, commonly called "the Wiggin's Loan," made by authority of the state, on the 29th day of January A. D. 1831, together with the interest which may hereafter accrue on said loan.

APPROVED, Jan. 16, 1836.

In force, Jan.  
16, 1836.

*AN ACT to regulate the salary of the Warden of the Penitentiary.*

Salary.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That hereafter the Warden of the Penitentiary, shall receive an annual salary of six hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, on the warrant of the auditor, as other public officers are paid.*

APPROVED, Jan. 16, 1836.

In force, Jan.  
13, 1836.

*AN ACT to simplify proceedings in the action of Ejectment.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That in all cases where any person has heretofore entered upon and occupied, or shall hereafter enter upon and occupy, any lands, tenements, or hereditaments within this state, by virtue of any lease or permit, from the United States or this state, such person, his, her or their heirs or assigns, may have and maintain an action of ejectment against any person who has or may enter upon such lands, tenements, or heredita-*



ments, without the consent of such lessee, his, her, or their heirs or assigns; and proof of the right of possession shall be sufficient to authorise a recovery: *Provided*, That such action shall be commenced within the time now limited by law.

APPROVED, Jan. 13, 1836.

*AN ACT providing for the sale of Section Sixteen, in Township Three South of Range Eight West.* In force, Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That whenever a majority of the householders and freeholders of township three south, of range eight west, in the county of Monroe, shall make known by petition to the school commissioner of said county, praying the sale of section sixteen in said township, the school commissioner shall proceed to sell the same, in the same manner as is provided for the sale of school lands in the act entitled "an act authorizing the sale of sections numbered sixteen, or such lands as may be granted in lieu thereof, to the inhabitants of such townships, for the use of schools," approved January 22, 1829.

APPROVED, Jan. 16, 1836.

*AN ACT fixing the times of holding the Circuit Courts in the several Counties therein named.* In force, Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the times of holding the circuit courts in the several counties hereinafter mentioned, shall commence at the times hereinafter specified, and shall continue to be held from day to day, Sundays excepted, until the business shall be disposed of, unless it shall be necessary to close the term, to enable the judge to attend in the next county to hold court. In the county of Coles, on the Wednesdays after the courts are to be held in the county of Jasper; in the county of Champaign, on the second Fridays thereafter; in the county of Vermillion, on the Mondays thereafter; in the county of Edgar, on the Mondays thereafter; in the county of Clark, on the Mondays thereafter.

Process.

SEC. 2. All process, suits, and recognizances, which have been, or may be entered into, and made returnable to the aforesaid courts, as at present arranged, shall be taken and considered to be returnable to the terms fixed by this act; and all proceedings, either civil or criminal, which are now pending, shall be taken up and disposed of according to law, in the same way as if no alteration had been made in the time of holding such courts.

Acts repealed

SEC. 3. All acts, and parts of acts, coming within the provisions of this act, are hereby repealed.

APPROVED, Jan. 16, 1836.

In force, Jan.  
12, 1836.

*AN ACT to amend an act entitled "an act regulating the times of holding the Supreme and Circuit Courts, and fixing the salary of the Circuit Judges," approved February 13, 1835.*

In White.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the terms of holding the circuit courts in the county of White, shall commence on the third Mondays in March and September, and continue to be held from day to day, Sundays excepted, until the business shall be disposed of, unless it shall be necessary to close the term, to enable the judge to attend in the next county to hold court; any thing in the act to which this is an amendment, to the contrary notwithstanding.*

Process.

SEC. 2. All process, suits and recognizances, which have been, or may be issued, or entered into and made returnable or continued to said courts, as at present arranged, or to any special term thereof, shall be taken and considered to be returnable to the terms fixed by this act, and shall be as valid as if made returnable to the terms fixed by this act.

SEC. 3. This act to be in force from and after its passage.

APPROVED, Jan. 12, 1835.

In force Jan.  
16, 1836.

*AN ACT to distribute the Revised Laws of 1833.*

Duty of sheriffs

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the sheriffs of the several counties in this state, shall, upon the publication of*

this act, deliver to the clerks of the county commissioners' courts of their respective counties, all of the copies of the Laws of this state, which have been delivered to them for sale, under any law of this state.

SEC. 2. The clerks of the county commissioners' courts, shall receive, and receipt for the Laws aforesaid, and shall safely keep them in their offices, subject to distribution among the officers entitled to copies according to law. Duty of clerks.

SEC. 3. The secretary of state, shall send, with the Laws of the present session of the General Assembly, to each of the counties organised since 1833, two copies of the Revised Laws of 1833, and as many more copies, not exceeding ten to each county, as may not be required for public use, at the seat of government. Distribution of Laws.

SEC. 4. It shall be lawful for the clerk of any county commissioners' court, of any county, who may have in his possession more copies of the Revised Laws of 1833, than may be necessary for distribution in his county, to supply any county not having a sufficient number of copies, for the use of the officers of the county, upon the application of the county commissioners of any county not having such sufficient number as aforesaid. Laws of 1833, distribution of.

APPROVED, Jan. 16, 1836.

*AN ACT supplemental to an act making appropriations for the years 1835 and 1836, approved 13th February, 1835.* In force, Jan 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the same sums allowed to the members and officers of the General Assembly, by the act to which this is a supplement, be, and the same is hereby allowed to the several members and officers of the General Assembly, as their per diem pay and travelling fees, for the present session of the General Assembly. Said compensation, when due the said members and officers, shall be certified and paid, agreeably to said act. The clerk of the House of Representatives, and the secretary of the Senate, shall receive the sum of one hundred and fifty dollars each, for furnishing the printer with a copy of the journals of the present session of the General Assembly. Appropriation to members and officers.

SEC. 2. The auditor of public accounts shall issue his warrant on the treasury, in favor of the different persons hereinafter named, for the several sums annexed to their respective names, viz: Auditor to issue warrants to:—



- Stout & Johnson. To Stout and Johnson, the sum of seventy dollars, for covering, pressing, and cutting fifty-five hundred copies of School Laws.
- Treasurer. To the treasurer of Illinois, eighty-three dollars, seventy-five cents, to enable him to pay the claims of the cashier of the Phoenix Bank of New York, for the charges of the bank for services, in paying the interest on the Wiggins loan, for the years 1831-2-3-4 and 5.
- J. M. Street. To Joseph M. Street, the sum of forty-five dollars and five cents, the amount of eight fee bills, against the commissioners for the sale of Vandalia lots, in suits brought by them against Samuel McClintock; same vs. James Kelly; Kelly and Forrester; same vs. John Forrester and McClintock; same vs. same.
- W. T. Page. That William T. Page be allowed four dollars per day, for services in assisting the clerk of the House of Representatives, to be certified by the clerk.
- R. K. McLaughlin. That R. K. McLaughlin be allowed the sum of two hundred dollars, for a room for the use of the treasury department, whilst the said McLaughlin was treasurer of state, to be accepted in full of all claims against the state.
- Wm. Hodge. That the sum of three dollars per day, be allowed to William Hodge, for services rendered to the engrossing and enrolling clerks of the House of Representatives, the number of days to be certified by said clerk.
- H. Hatch. To H. Hatch, the sum of four hundred and ninety dollars, so soon as he shall deliver to the auditor of public accounts ninety-eight maps, executed agreeably to the joint resolution of the General Assembly, passed December 23, 1835.
- J. Forehand. To James Forehand, the sum of one dollar and fifty cents per day, for services rendered to the Council of Revision, during the present session of the General Assembly.
- Sec. of state. To the secretary of state, for the extra clerk hire, to enable him to copy the laws of the present session of the legislature, and making a tabular statement of the census, within the time limited by law, the sum of two hundred dollars.
- S. H. Anderson. To S. H. Anderson, warden of the penitentiary, the sum of seventy-two dollars, for conveying two prisoners, by virtue of writs of habeas corpus, to Vandalia and New Nashville, and returning the same to prison.
- T. C. Kirkman. To Thomas C. Kirkman, the sum of five dollars, for administering oaths to the new members of the House of Representatives, during the present session.
- W E Starr. To William E. Starr, the sum of five dollars and forty-five cents, for copying records in two cases, for the supreme court; people vs. Royal.
- T Hunt. To Thomas Hunt, the sum of forty-one dollars and sixteen and one-fourth cents, to pay the expences attending the fune-

ral of the late Hon. Benjamin A. Clark, of the House of Representatives.

To James M. Whitney, fifty-four dollars, for eighteen J M Whitney days' service, assisting the enrolling clerk of the Senate.

To Mr. Davis, of Pekin, ten dollars, for assisting the en- Mr Davis rolling clerks three days.

To Samuel Munday, five dollars, for assisting the engross- S Munday ing clerk of the House of Representatives.

To Henry Moore, of Chicago, five dollars, for assisting H Moore the engrossing clerks in enrolling bills.

To Seth T. Sawyer, four dollars per day, for each day S T Sawyer employed by him in assisting the engrossing and enrolling clerks, to be paid on the certificate of the secretary of the Senate.

To Ewing Roberts, the sum of eight dollars, for furnish- E Roberts ing the room of the engrossing clerks of both houses with fire, during this session.

To the Hon. R. B. Servant, the sum of forty dollars, to R B Servant pay the funeral expenses of the late Hon. John Thompson, of the House of Representatives.

To Coleman J. Gibson and John Fleming, the sum of C J Gibson & one dollar and fifty cents, each, for one day's attendance, as J Fleming witnesses before the committee of finance of the Senate.

To R. M. Gordon, two dollars and fifty cents, for putting R M Gordon up a stove and pipe, in the Senate chamber, the last session of the legislature.

To John Charter, for room-rent for Council of Revision, J Charter thirty-two dollars.

To William Thomas, the sum of two dollars and twenty- W Thomas five cents, for postage on School Laws forwarded to the printer.

To William McConnell, nine dollars, for administering W McConnell oaths of office to members of the Senate, and for administering oaths to witnesses before the committee of finance of the Senate.

To Brook Chapman, ten dollars, for services rendered as B Chapman assistant sergeant at arms, in going to Hillsboro' to summons John Tilson, jr., to appear before a select committee, appointed by order of the Senate, to investigate certain charges.

APPROVED, Jan. 18, 1836.

*AN ACT concerning the payment of the Revenue,  
and for other purposes.*

**Bills received** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter the bills of the Bank of the State of Illinois and branches, shall be received in payment of the revenue of this state, and the different counties in the state; and in payment of college, school and seminary debts, and interest; *Provided,* That nothing herein contained, shall be construed so as to prohibit the receiving of other current money of this state, for the purposes aforesaid; *Provided further,* That if at any time hereafter, the governor, auditor and treasurer, shall be of opinion that there will be danger of loss, by receiving the bills of the State Bank, as aforesaid, they are hereby authorised and required, to cause a notice to be published in the newspaper printed by the public printer, and all other newspapers printed in the state, prohibiting the further reception of said bills, after a day named in such notice, for the uses and purposes aforesaid; and after the day named in such notice, the said bills shall not be received, until otherwise directed by law. And in case the governor, auditor and treasurer, shall give a notice as herein required, it shall be their duty to communicate the fact to both branches of the General Assembly, within ten days after the next meeting thereof, together with their reasons for giving such notice.

**Governor, &c. to give notice**

**prohibiting reception of said bills**

**When to be received**

**When in force** SEC. 2. This act to be in force from and after its passage. And it shall be the duty of the secretary of state, to cause this act to be published forthwith after its passage, in the newspaper printed by the public printer of this state.

APPROVED, Jan. 16, 1836.

*AN ACT to authorise the settlement of the accounts of the board of Commissioners for the improvement of the navigation of the Kaskaskia river.*

**In force Jan. 16, 1836.**

**Edward Newsham to settle accounts, &c** SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Edward Newsham, is hereby authorised to settle the outstanding accounts of the board of commissioners for the improvement of the navigation of the Kaskaskia river. Said Newsham is empowered to demand, receive, or sue for any amount due said board; and to pay over, and settle any outstanding accounts, or demands against said board, and report the same to the

**To report.**



auditor of public accounts, as soon as said accounts and demands are liquidated, for all other purposes than is recited in this act. The said board of commissioners for the improvement of the Kaskaskia river, is hereby repealed, and said board dissolved. Act repealed & board dissolved

This act to take effect from and after its passage.

APPROVED, Jan. 16, 1836.

*AN ACT for the benefit of the heirs of Samuel Thurston,* In force Dec. 8, 1835.  
*deceased.*

SEC. 1. *Be it enacted by the people of the State of Illinois,* Guardian authorized to sell estate  
*represented in the General Assembly,* That the guardian of the heirs at law of Samuel Thurston, on filing with the judge of probate of the county of Madison, a bond with good and sufficient security, to be approved of by said judge, in such sum as may be deemed sufficient by said judge, conditioned for the true and faithful discharge of the duties enjoined by this act; and that the guardian of said heirs at law, will well and truly pay over to the said heirs, all monies arising from the sale of lands herein authorised; and shall do and perform all other duties devolving upon him by virtue of this act, shall be, and is hereby empowered to sell and convey, by sufficient deed or deeds, the west half of the north-east and south-east quarters of section nineteen, in township six north, of the base line, range ten west, of the third principal meridian; also the north-west quarter of section thirty-two, and a part of the south-west fraction of section thirty-two, in township six, north of the base line, range ten west, of the third principal meridian, situated in the county of Madison, an undivided half of which the said Samuel Thurston died seized and possessed of, either at private sale, under the direction and sanction of said judge, or at public sale, on giving due notice according to law, and upon such terms as to credit or not credit, as the said guardian, by the direction or sanction of the said judge, may deem proper, and most beneficial to the said heirs at law.

SEC. 2. The money arising from the said sales, shall be chargeable in account with said heirs, to the said guardian, Proceeds, how applied and shall be laid out by said guardian to the best advantage of the said heirs; *Provided,* That if in the course of administration it shall appear that the personal estate of the said Thurston, shall not be sufficient to pay the debts, the said money so arising from such sale, shall be subject, by order

of said judge of probate, to payment of such deficiency: *And Provided, further,* That the said guardian may, if he deems it more advantageous to said heirs to do so, invest the money arising from the sale herein authorised, or any balance thereof, that may remain after paying any of the debts of said Thurston, as herein authorised, in other real estate, or town lots, to and for the use of said heirs.

This act to be in force, and take effect, from and after its passage.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council, on the first day of the present session of the General Assembly, the said bill has become a law.

Given under my hand, this 8th day of December, 1835.

A. P. FIELD,  
Secretary of State.

In force, Jan.  
18, 1836.

*AN ACT for the benefit of Simon M. Hubbard.*

W B Scates to  
adjust fee bills

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Walter B. Scates, be, and he is hereby authorised and empowered, to examine, audit, and adjust the fee bills of Simon M. Hubbard, clerk of the Franklin circuit court, for services rendered by him, as clerk, in all cases in which the president and directors of the State Bank of Illinois were a party, so far as said services were rendered for said bank, and for which it is, or would be liable, as such party.

To deduct  
amount due  
bank.

SEC. 2. Said Scates shall deduct from the amount found due said Hubbard, by the foregoing section, all sums of money, if any, which may be due and owing by the said Hubbard to the said bank, either as principal or security, by judgment, note, account, or otherwise; and also all such sums as may have been paid him on account of his said services; and the amount thus found due, upon such adjustment of his fees and accounts, and remaining unpaid, the said Scates shall certify to the auditor of public accounts, under his hand and seal; and the auditor shall file said certificate, and shall thereupon issue his warrant upon the treasury for such amount, specifying on the face of said warrant, on what account it is due; and the treasurer shall make a mem-

To be certified  
to auditor, and  
auditor to issue  
warrant.

orandum thereof in the bank books, or account against the said Hubbard.

SEC. 3. The treasurer of the state, and the state's attorney of the third judicial circuit, shall, as soon as conveniently may be, deliver over to the said Scates, all the writs, if any, or other evidences of the indebtedness of the said Hubbard to the bank; and all receipts, &c., of monies paid said Hubbard, by the bank, on account of services rendered it by him, to enable said Scates to audit and adjust said fee bills.

Duty of treasurer and state's attorney.

APPROVED, Jan. 18, 1836.

*AN ACT supplemental to an act, entitled "An act concerning Public Records," approved February 9th, 1835.*

In force Jan. 18, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* *represented in the General Assembly,* That the second section of the act to which this is a supplement, which requires the recorder of Madison county, to transcribe certain deeds, be construed to mean deeds for lands lying in Madison county.

Transcribe deeds.

SEC. 2. That the governor of this state is hereby authorised to cause the said deeds to be transcribed, as required by the act to which this is a supplement. And in case the said recorder of Madison county, shall neglect or refuse to transcribe the said deeds, within three months from the passage of this act, the governor is hereby authorised to employ a suitable person to transcribe the same; and it shall be the duty of the said recorder of Madison county, to give the person so employed by the governor, access to the record books, in which the said deeds are recorded.

Governor's duty.

SEC. 3. That the governor is hereby authorised to allow the person employed by him to transcribe the deeds aforesaid, a just compensation for his services, to be certified by the governor, and paid on the warrant of the auditor, as provided in the fourth section of the act to which this is a supplement; *Provided,* That if the expense of transcribing such deeds, exceed the sum of one hundred dollars, such excess shall be paid by the county commissioners' court of Schuyler county.

Compensation.

APPROVED, Jan. 18, 1836.



In force, Jan. 16, 1836. *AN ACT for the relief of Eli Hooper and Pleasant Dodson, of Shelby County*

Released from recognizances **SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Eli Hooper and Pleasant Dodson, of Shelby county, who were lately bail in a recognizance for the appearance of one Solomon Story, at the circuit court of said county of Shelby, upon a charge of larceny, and against whom judgment was rendered at the May term, 1835, of said court, on their said recognizances, said Story having failed to appear according to the condition thereof, for the sum of four hundred dollars, be, and they are hereby released from, and acquitted of the payment of said fine of four hundred dollars; Provided, That said Hooper and Dodson, within three months after the passage of this act, pay to the sheriff and clerk of the said county of Shelby, and all other officers having legal charges, all costs, whatsoever, which may have in any wise accrued in the prosecution and trial of said case.*

Proviso.

**SEC. 2.** All said costs being paid, as herein required, a record of the release and acquittance hereby granted, shall be entered on record in the books of the clerk of the circuit court of the said county of Shelby, which shall forever be a bar to the recovery of said judgment.

This act to be in force from and after its passage.

APPROVED, Jan. 16, 1836.

In force Jan. 16, 1836. *AN ACT for the benefit of the Officers therein named.*

May keep offices in Lower Town Carlyle **SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the clerks of the circuit and county commissioners' courts of Clinton county, be, and they are hereby permitted to keep their offices in the Lower Town of Carlyle, and in the room now occupied by them for that purpose, (or in any other room in said Lower Town, they may think proper,) until the court house of said county shall have been completed, and in readiness for their reception.*

Privilege extended. **SEC. 2.** The same privilege, by this act given to the clerks of the circuit and county commissioners' courts, shall be, [and] the same is hereby extended to the county recorder and judge of probate, of said county of Clinton aforesaid.

This act to take effect from and after its passage.

APPROVED, Jan. 16, 1836.

*AN ACT to amend an act entitled "an act to provide for the distribution and application of the interest on the School, College and Seminary funds."* In force, Jan. 15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois,* Commissioners to receive monies from the U. States. *That it shall be the duty of the commissioners of the school fund to receive from the United States, as the same may become due and payable all monies, to which this state is or may be entitled under the provisions of any law of the United States, appropriating any portion of the proceeds of the sales of public lands within this state for purposes of education and to deposite the same in the state treasury to be used by the state for revenue purposes; and the state shall be charged with the same, and with interest as required by the act to which this is an amendment.*

SEC. 2. *It shall be the duty of school commissioners of counties, in loaning the township and county funds to require payment of the interest half yearly and in advance; and it shall also be their duty to loan all interest, in the same manner as principal, which they may receive, until the same is demanded for the use of schools.*

SEC. 3. *Hereafter the interest on township and county funds shall be distributed, and paid to teachers on the second Mondays in January, and second Mondays in July in each and every year; and it shall be the duty of teachers to present their schedules, made and certified as now required by law, on the first Mondays in January and first Mondays in July in each and every year; such schedule not to extend further back than six months, and it shall be lawful for teachers, who returned schedules on the first Monday in November one thousand eight hundred and thirty-five, and who continued to teach school to the first of January one thousand eight hundred and thirty-six, to continue their schedules to the first of January one thousand eight hundred and thirty-six and to return the same at the time required by this act, and such teacher shall be entitled to a distributive share of the interest of the state fund for services rendered between the first of June one thousand eight hundred and thirty-five and first of January one thousand eight hundred and thirty-six.* Funds to be distributed.

SEC. 4. *The money received by the school commissioners, from the state, shall be paid out to the teachers of schools as required by the act to which this is an amendment, on the second Monday in January annually, or as soon thereafter as the money shall be received in the counties, and such payments shall be made for services, rendered during the preceding year; Provided, in all cases when a schedule has* Teachers to present schedules.

been regularly kept in any district or districts according to the act to which this is an amendment, and the teacher has been paid by the inhabitants of said district, the trustees upon presenting a proper schedule, well certified, shall be authorised to draw their distributive proportion of the school funds for the use of said inhabitants, as the teachers would have been entitled to.

Act to be published.

SEC. 5. It shall be the duty of the secretary of state to cause this act to be immediately published in the newspaper printed by the printer of the state. This act to be in force from its passage.

APPROVED, Jan. 15, 1836.

In force, Jan. 18, 1836.

*AN ACT to amend the Several acts in relation to the Penitentiary.*

Duties of Inspectors and Warden.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the inspectors and Warden of the Penitentiary to deposite in the branch of the state bank of Illinois at Alton, all moneys in their hands belonging to the penitentiary fund; also all notes, bonds, and other evidence of indebtedness to the said fund, within ten days after being furnished with a copy of this act; and the governor is required to furnish each of said inspectors and warden with such copy immediately after its passage; and hereafter the said inspectors and warden shall deposite all moneys which they may receive, belonging to said fund, in said branch bank; also, all notes and bonds and other evidences of indebtedness to said fund, immediately upon the receipt of any such money, notes, bonds, or other evidences of indebtedness; which shall be at all times subject to the warden and inspectors, when wanted for use, as now provided by law.

This act to be in force from and after the passage.

APPROVED, Jan. 18, 1836.

In force, Jan. 16, 1836.

*AN ACT for the relief of Samuel Copeland.*

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of one



hundred dollars be paid to Samuel Copland for his services and expenses incurred in bringing Jacob Solmon, who was accused of kidnapping a negro boy in the county of Johnson, from Tipton county in Tennessee, and delivering him over to the proper authorities of said Johnson county in this state. The auditor of public accounts is hereby required to issue his warrant on the treasurer for the above mentioned sum in favor of the said Samuel Copeland.

APPROVED, Jan. 16, 1836.

*AN ACT supplemental to the several acts, relating to the Circuit Courts in this State.* In force Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the terms of the courts in the second judicial circuit, shall be held at the several places for holding courts in the several counties therein, at the times following, namely: In the county of Madison on the second Monday of February and August; in the county of St. Clair on the third Monday of February and August; in the county of Monroe, on the fourth Monday in February and August; in the county of Randolph, on the Fridays thereafter; in the county of Washington, on the first Fridays of March, and September; in the county of Clinton, on the second Mondays of March and September; in the county of Bond on the third Monday of March and September.

Terms of courts  
in 2d circuit.

Names of counties.

SEC. 2. In the county of Montgomery, on the fourth Mondays in March and September; in the county of Shelby, on the first Monday of April, and October; in the county of Effingham on the Fridays thereafter; in the county of Fayette, on the Mondays thereafter.

SEC. 3. All process, suits and recognizances which have been, or may be issued or entered into and made returnable to the courts as at present arranged, shall be taken and considered, to be returnable, to the times fixed by this act, and shall be valid to all intents and purposes.

Processes thereto,

APPROVED, Jan. 16, 1836,

In force, Dec.  
8, 1835.

*AN ACT for the relief of the heirs of Eli Pain deceased.*

J. M. Peck au-  
thorised to sell  
estate.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That to prevent loss to the widow and heirs of Eli Pain, deceased, late of the county of St. Clair, and to enhance their interest; that J. M. Peck, is hereby authorised and empowered to sell and convey the west half of the north west quarter of section twenty six, in township two north, and in range seven west of the third principal meridian, the same being the property of the late Eli Pain deceased, to be sold, either at public auction or private sale, either on a credit, or for ready money, as may best conduce to the interest of said widow and heirs.

SEC. 2. The said J. M. Peck shall vest the money arising from such sale in other lands or town lots to be purchased in the name and for the benefit of said widow and heirs, and erecting thereon such buildings and improvements as he shall deem conducive to the interest of said widow and heirs; *Provided*, That it shall appear from vouchers on file in the office of judge of probate of St. Clair county that the personal estate of said deceased is entirely solvent, and, *Provided further*, that the said widow shall acquire no greater interest in the property that may be purchased as herein provided, than she now has in the estate which the said J. M. Peck is hereby authorised to sell.

Give bond,

SEC. 3. The said John M. Peck before he shall sell said land, shall enter into bond in the penalty of eight hundred dollars, with good and sufficient security, to be approved by the judge of probate of St. Clair county, payable to the said widow and heirs, conditioned that the said John M. Peck, shall faithfully discharge the duties imposed on him by this act, and vest the proceeds of the said sale in the manner herein before provided, or to loan the same on interest for the benefit of the said widow and heirs as to him shall be deemed most advantageous to said widow and heirs, the said loan if so made shall be under the direction of the said judge of probate of St. Clair county, said bond may be put in suit by the obligees therein and a recovery had upon a breach of any of the duties enjoined upon the said Peck by said bond.

Make deed.

SEC. 4. The said John M. Peck is hereby authorised to make to the purchaser or purchasers of the property herein described the proper deed or deeds of conveyance for said premises, and the said purchaser or purchasers shall thereby acquire a good and indefeasible title to the said premises.

Certificates.

This bill having been laid before the Council of Revision and ten days not having intervened, before the adjournment

of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly the said bill has become a law.

Given under my hand this 8th day of December 1835.

A. P. FIELD.

*Secretary of State.*

*AN ACT for the relief of the widow and heirs of Christopher Whitman.* In force, Dec. 8, 1835.

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That Martha Whitman executrix of the last will and testament of Christopher Whitman, deceased, be and she is hereby authorised to sell the following described lots of land, formerly owned by said Christopher Whitman, and situate in the county of Macon, and designated on the plat of the United States survey, as the west half of the north east quarter of section eight, in township sixteen north of range three east of the third principal meridian; also of the east half of the south west quarter of section five, in the same range and township, said lots of land shall be sold for cash, or on such credit as the judge of probate of Macon county may direct, and on the payment of the purchase money for the same, the said Martha Whitman is hereby authorised to make and execute good sufficient deeds therefor to the purchaser, which deeds shall convey all the right, title, and interest of the said Martha Whitman, and the heirs of said Christopher Whitman, in the land aforesaid, to said purchaser; *Provided however,* that before the sale of the land above described, said Martha Whitman shall enter into bond with good security in such sum of money as the judge of probate of Macon county may direct, conditioned for the faithful performance of the duties imposed upon her by this act, which bond shall be filed in the office of the judge of probate of Macon county.

SEC. 2. It shall be the duty of said Martha Whitman to invest the money which may arise from the sale of the land above described, in other land, for the benefit and in the name of herself and the heirs of said Christopher Whitman deceased, and for no other purpose whatever.

Proceeds of  
sale how invested

This act to be in force from and after its passage.

This bill having been returned by the Council of Revis- Certificate.



ion at the end of the last session of the General Assembly as not acted upon for the want of time, and not having been laid before the Legislature on the first day of the present session, it has become a law the 8th day of December, 1835.

A. P. FIELD.

*Secretary of State.*

In force, Jan.  
16, 1836.

*AN ACT to improve the Breed of Cattle.*

To appoint  
inspectors.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the appointment of inspectors by any county commissioners' court, as hereinafter provided, no bull over one year old, shall be permitted to run at large out of enclosure, unless the same shall be approved of by the inspectors of the township or county, as a suitable animal or bull to breed from; and all bulls not approved of, shall be altered upon the order and decision of said inspectors.

To continue in  
office four years

SEC. 2. The county commissioners' court in each and every county in the state, may, at their March term next, or at any regular term thereafter, appoint three good substantial farmers, to act as inspectors and judges, in each justices' district or otherwise, as they may subdivide the county, whose term of service shall be four years; and regular appointments shall be made every four years, and vacancies filled by the court from time to time, as they may occur.

Duty

SEC. 3. It shall be the duty of said inspectors and judges, to view, on request or otherwise, any bull or bulls, running at large over one year old, in their respective counties; and should they be of opinion, under all circumstances, that the same is suitable to breed from, and ought to run at large, they shall give the owner a certificate to that effect; and in case they shall decide otherwise, they shall notify the owner thereof, whose duty it shall be to alter, or put said bull up, and not suffer the same to run at large; and should the owner not comply with said decision, the bull shall be altered upon the order of said inspectors, or the same may be done by any individual of the county; and for the refusal and non-compliance on the part of the owner, the evidence being adduced to the satisfaction of the justice, and it is hereby made the duty of said inspectors to prosecute, he shall be fined in any sum not exceeding fifty, nor less than ten dollars, with costs; and on a second com-

plaint and conviction, the first fine shall be doubled.

SEC. 4. The owner or owners of all bulls inspected and approved of, as above stated, shall not be required to pay any tax for the same; and when a majority of all the inspectors of the county, and they may convene annually for that purpose, shall decide upon the three best bulls, three best cows, and three best heifers, the county commissioners' court shall grant an order on the treasury of the county, to be paid out of the fines and funds of the county, fifteen, ten, and five dollars each, for the bulls, and the cows, and heifers, in like manner; but no second premium shall be granted and given for the same animal.

Owners of best  
bulls exempt  
from paying  
taxes thereon.

Premiums.

This act shall take effect from and after its passage.

APPROVED, Jan. 16, 1836.

*AN ACT to re-locate the seat of Justice of Clark County.* In force, Jan. 7, 1836.

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That William F. Thornton, William Prentiss, and John Hendrix of Shelby county, and Charles Emmerson, and William Reddick of Macon county, be, and they are hereby appointed commissioners, to re-locate the seat of justice of Clark county.

Commissioners  
appointed.

SEC. 2. Said commissioners, or a majority of them, shall meet at Darwin, on the 3d Monday in February 1836, or within eight days thereafter, and after taking and subscribing an oath before some justice of the peace for said county, faithfully and impartially, without fear, favor or affection, to discharge the duties assigned them by this act, shall proceed to the discharge of the same as is hereinafter directed.

When and  
where to meet.

SEC. 3. It shall be the duty of said commissioners, or a majority of them, to re-locate the seat of justice of said county, at such suitable point on the National Road in said county, as to them shall seem most conducive to the present and future interests, wants, convenience, and prosperity of the people of said county; taking in view its nearness to the centre of the present and probable future population of the county; its nearness to the geographical centre of the county; the timber, water, soil, and health of the adjacent country, as well as the donations that may be proposed.

To re-locate  
the seat of jus-  
tice on Nation-  
al Road.

SEC. 4. Said commissioners may ask and receive from the person or persons, on whose lands they may locate the seat of justice of said county, a quantity of land as a dona-

Donations in  
land or money.

tion of not less than fifty acres, lying on both sides of the National Road; or if they shall deem it more conducive to the interests of the county, they may receive a donation of not less than five acres in such a shape as may be agreed upon by the owner or owners thereof, and the said commissioners; *Provided*, The person or persons making such donation in land, will secure to be paid to the county of Clark, an additional donation of one thousand five hundred dollars, one half whereof, to be paid on the first day of January one thousand eight hundred and thirty-seven, and the other half on the first day of September, one thousand eight hundred and thirty-seven.

**Bond for deed.** SEC. 5. Said commissioners shall demand a bond for a deed, with covenants of general warranty, to the county of Clark, for the lands on which they shall make such location; which bond, together with the securities for the money, and a full report of their proceedings, they shall return to the clerk of the county commissioners' court of said county, to be by said clerk, laid before his court, at its next regular or special term thereafter.

**Report to clerk.**

**If removed previous to 1846.** SEC. 6. Should the seat of justice when located under this act, be removed therefrom, previous to the year one thousand eight hundred and forty-six, the donor, or donors of the land on which such location shall be made, shall have and receive from the county of Clark, the sum of two hundred dollars.

**Donation to be laid off into lots.** SEC. 7. It shall be the duty of the county commissioners of said county, as soon as they shall have received the report aforesaid, to cause said donation to be laid off into lots, and to dispose of the same at such times and places, and upon such terms as they shall deem best: *Provided*, The proceeds thereof, and the money that may be donated under this act, together with the court house and jail in Darwin, shall go to constitute a fund, for the erection of a court house at the new county seat, and to be applied to no other purpose whatever.

**Proviso.**

**Compensation.** SEC. 8. Said commissioners shall receive for their services, the sum of three dollars per day each, for each day they may be necessarily employed in the discharge of the duties herein required of them; to be paid out of the county treasury of Clark county.

**Commissioners duty.** SEC. 9. It shall be the duty of said commissioners, to examine as far as practicable, the whole county, and to be governed in all things, by the true interest of the same; and they shall also receive sealed proposals of donations of land and money, or either; and the county commissioners of Clark county, shall, as soon as they receive the report of the commissioners aforesaid, give a name to the



place that has been selected as the county seat, and cause a plat thereof to be recorded.

SEC. 10. All courts that now are required by law to be held at Darwin, shall from and after the first day of June, eighteen hundred and thirty-six, be held at the place selected under this act.

APPROVED, Jan. 7, 1836.

*AN ACT simplifying the mode of acknowledgment of Sheriffs Deeds.* In force Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all deeds heretofore executed, or which may hereafter be executed by any Sheriff or other officer, for any real estate, sold on execution, upon being acknowledged or proven before any clerk of any court of record in this state, and certified under the seal of such court, shall be admitted to record in the county where the real estate sold, shall be situated.

Sheriff's deeds to be acknowledged or proved before clerk.

Admitted to record.

SEC. 2. The successor of any sheriff or other officer, shall be authorized to execute deeds for real estate sold by the predecessor, or to acknowledge any deed executed and not acknowledged by such predecessor.

Duty of successor to Sheriff.

SEC. 3. Deeds heretofore executed by officers for real estate, sold on execution, and acknowledged or proven, and certified in the manner required by law, for the acknowledgment or proof of deeds of conveyance, shall be considered as having been duly executed.

SEC. 4. All deeds executed and acknowledged, or proved, according to the provisions of this act, shall be deemed to have been duly executed, and shall be admitted as evidence, without further proof of the execution thereof.

Deeds acknowledged or proved, deemed valid.

APPROVED, Jan. 16, 1836.

*AN ACT supplemental to the several acts regulating the Circuit Courts in this State.* In force, Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the terms of the courts in the third judicial circuit shall be held at the sev-

Terms of circuit courts in third judicial circuit.

Names of  
counties and  
when courts  
are held there-  
in.

eral places for holding courts in the several counties therein, at the times following, namely: In the county of Marion, on the second Mondays in March, and the fourth Mondays in August; in the county of Jefferson, on the Thursdays thereafter; in the county of Hamilton, on the third Mondays in March, and first Mondays in September; in the county of Franklin, on the fourth Mondays in March, and second Mondays in September; in the county of Gallatin, on the first Mondays in April, and third Mondays in September; in the county of Pope, on the second Mondays in April, and fourth Mondays in September; in the county of Johnson, on the third Mondays in April, and first Mondays in October; in the county of Union, on the fourth Mondays in April, and second Mondays in October; in the county of Alexander, on the first Mondays in May, and third Mondays of October; in the county of Jackson, on the second Mondays of May, and fourth Mondays of October; in the county of Perry, on the third Mondays of May, and first Monday after the fourth Monday of October.

Special term  
in Gallatin.

SEC. 2. That there shall be a special term held in the county of Gallatin, on the third Mondays of July annually.

APPROVED, Jan. 16, 1836.

In force 15th  
Jan., 1836.

*AN ACT relative to the Records of Clinton County.*

Duty of county  
Records of  
Bond, Fayette,  
& Washington

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the several county recorders of the counties of Bond, Fayette, and Washington, are hereby directed and required, on or before the first day of July next, to furnish the county recorder of the county of Clinton, certified transcripts of all deeds, bonds, and title papers, recorded in their respective counties, relating to the title to real estate in Clinton county, which may have been recorded therein, prior to the first day of March 1825.

Recorder of  
Clinton county.

SEC. 2. The county recorder of Clinton county shall, on or before the first day of April next, furnish to the said county recorders, a well bound book, in which said transcripts and certificates shall be entered; copies of which, duly certified by the recorder of Clinton county, shall be competent evidence in any court of justice in all matters to which they relate.

SEC. 3. The county commissioners of Clinton for said

transcripts, may make such allowance to the several recorders aforesaid, as they may deem reasonable, not exceeding the legal fees for copies and certificates.

APPROVED, Jan. 15, 1836.

*AN ACT for the benefit of the infant heirs of James Mason, deceased.* In force Jan. 16, 1836

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the powers conferred by the act to which this is an amendment, upon Sarah Mason, guardian of Martha Maria Mason, infant and only heir of James Mason, deceased, be, and they are hereby extended, so as to enable her to sell, in the manner and under the instructions therein contained, the lots and lands, lying in the town of Grafton, of which the said James Mason died seized.

Sarah Mason  
authorized to  
sell lots in  
Grafton.

This act to take effect from and after its passage.

APPROVED, Jan. 16, 1836.

*AN ACT to change the name of Salu.*

In force, Jan.  
16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, all that part of the county of Madison, on which the town of Salu is situated, shall be annexed to, and form a part of Upper Alton, and shall be hereafter known by the name of Upper Alton, any plat or name to the contrary notwithstanding.

APPROVED, Jan. 16, 1836.

*AN ACT for the relief of the persons therein named.*

In force, Jan.  
15, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the bands of matrimony be, and the same are hereby dissolved, between Richard H. McGoen, and Elizabeth his wife.

R. H. McGoen  
and wife.



J. S. Shaw  
and wife  
G. Flower  
and wife.

SEC. 2. That the bands of matrimony be, and the same are hereby dissolved, between Joshua S. Shaw, and Fanny Ann his wife; George Flower and Jane his wife; and that the name of Fanny Ann Shaw, is hereby changed to "Fanny Ann Kester," her maiden name; and Glavina, infant daughter of Fanny Ann and Joshua, is hereby changed to Glavina Kester.

This act to take effect, and be in force from and after its passage.

APPROVED, Jan. 15, 1836.

*AN ACT for the benefit of the widow and heirs of Reuben Goddard, deceased.*

Sarah Goddard  
authorized to  
sell certain real  
estate.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Sarah Goddard, widow and administratrix of the estate of Reuben Goddard deceased, and guardian of Reuben A. Goddard, William B. Goddard, Francis J. Goddard, and Rachel C. Goddard, heirs at law of the said Reuben Goddard deceased, and minors under the age of twenty-one years, be, and she is hereby authorised and permitted to sell and dispose of the following described tract of land, situated in the county of St. Clair, to wit: The north east quarter of section numbered sixteen, in township numbered one south, of range numbered nine west of the third principal meridian, containing one hundred and sixty acres, either at public or private sale, as she may think most conducive to the interest of the said heirs; and the proceeds thereof, shall be appropriated in the purchase of other lands, or loaned out at the best interest that can be obtained, on good freehold security, for the benefit of the said minor heirs.

Conveyance  
deemed valid.

SEC. 2. The deed of conveyance by the above named Sarah Goddard to the purchaser or purchasers, of the above described tract of land, or any or either of them, or any part thereof, shall pass to, and vest in the said purchaser or purchasers, as good and valid a title to such interest in the said lands, as belonged to the said Goddard at the time of his death.

To give bond.

SEC. 3. That the said Sarah Goddard, before she receives any of the said purchase money, shall enter into bond with approved security to the said people, for the use of said infant heirs, before the judge of probate of the county of St. Clair, in a penalty of double the amount of said pur-

chase money, conditioned that she will faithfully apply said purchase money, as directed by the provisions of this act.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same bill has become a law.

Given under my hand this eighth day of December, 1835.

A. P. FIELD,  
*Secretary of State.*

*AN ACT for the benefit of the persons therein named.*

In force 8th  
Dec. 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Nancy McCracken of Bond county, be, and she is hereby authorised and empowered to sell, either at private sale or public auction, as she shall deem best, one hundred and thirty-three and a third acres of land, situate in Clinton county, being in town two north, range five west of the third principal meridian, and formerly belonging to James McCracken, deceased; and now the property of the heirs of said James McCracken; and the said Nancy McCracken is hereby empowered to receive and receipt for the purchase money on such sale.

Nancy McCracken authorised to sell certain real estate.

SEC. 2. The said Nancy McCracken shall, before she performs any act whatever, under the authority of this act, enter into bond to the people of the state of Illinois, in the sum of four hundred dollars, with Nancy and Nathan C. McCracken, James McCracken, and such other person or persons as security, as shall be required by the court of probate of Clinton county, conditioned for the faithful performance of the duties imposed on her by this act; which bond shall be filed with the said court of probate, and may in case of the breach of the condition, be proceeded upon in the manner prescribed by law against administrators and their securities, on administration bonds.

Shall give bond.

SEC. 3. The said Nancy McCracken, is hereby empowered to make, seal and deliver, and acknowledge all necessary deeds of conveyance for said land; and when she receives the purchase money, she is hereby required to

May make deed.

purchase other lands with the same, in the county of Bond, and to take a deed for the same to Nathan McCracken, James McCracken, and John McCracken, heirs of James McCracken, deceased; and she is hereby required to make report of all her proceedings under this act, to the judge of probate of Clinton county aforesaid.

Certificate.

This bill having been returned by the Council of Revision at the end of the last session of the General Assembly, as not acted upon for want of time, and not having been laid before the legislature on the first day of the present session, it has become a law the eighth day of December 1835.

A. P. FIELD,  
Secretary of State.

In force, Jan.  
12, 1836.

### *AN ACT to establish the County of Will.*

Boundaries

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That all that tract of country lying within the following bounds, to wit: beginning at the north-west corner of township thirty-seven north, of range nine east, and running thence east, to the east line of range ten; thence south, six miles; thence east, six miles; thence south six miles; thence east, six miles; thence south, six miles; thence east, to the state line; thence south, to the Kankakee, and down the same to the north line of township thirty-one; thence west, to the west line of range nine; thence north, to the place of beginning, shall constitute a county, to be called the county of Will.*

Seat of justice

SEC. 2. The permanent seat of justice of said county, shall be at the village of Juliet; and the public buildings thereof, shall be erected on the public square, recorded in the plat of said town as public ground, and adjoining to section fifteen.

Courts

SEC. 3. The said county of Will shall constitute a part of the sixth judicial circuit; and a circuit court shall be held for said county, at some convenient house in the village of Juliet, until the public buildings shall be erected. The times of holding said courts, shall be appointed by the judge presiding on said circuit.

County officers

SEC. 4. All justices of the peace, constables, and the county surveyor, heretofore elected and commissioned in



and for the county of Cook, that now reside within the above boundaries, shall hold their offices in and for said county of Will.

SEC. 5. The legal voters of said county, shall meet at Elections the several places of holding elections, in the different precincts, as now organised, within the above boundaries, on the first Monday of March next, appoint judges and clerks of elections, and proceed to elect three county commissioners, a sheriff, a coroner, and recorder for said county; and the returns of said election shall be made by said judges and clerks, to the justices of the peace in said county, any three or more of whom, shall meet at the village of Juliet, within seven days after the said election, and proceed to open said returns, and in all things perform the duties required by law of the clerks of county commissioners' courts, and justices of the peace, in like cases.

SEC. 6. For all officers, except county officers, the county shall vote with the county of Cook, the returns of the elections of which, shall be made to the clerk of the county commissioners' court, for the county of Will, by whom a certified abstract of the returns of such election, shall be made to the clerk of the county commissioners' court of Cook county, within seven days thereafter. Officers, how chosen.

APPROVED, Jan. 12, 1836.

*AN ACT relating to the Gallatin Saline, and the Lands belonging to the same.*

In force Jan. 16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of Tyler D. Hewitt, present commissioner of the Gallatin Saline, to make out an accurate map of the saline reserve, noting therein, by distinct shades, the amount of lands that have heretofore been directed to be sold, and such as have not been directed to be sold. He shall also note on said map the particular section, or subdivision of a section that contains salt wells that have heretofore been used, or are now used for making salt, at said saline: and he shall, moreover, procure a well bound book, in which he shall enter, in proper order, the lands that may remain the property of the state, after the land is taken out which has been already sold, or directed to be sold; all which he shall fully certify, with explanatory notes of said map, and a full description of land not directed to be sold. Commissioner to make a map, and how made. Procure a book.

Commissioners  
to lay off saline  
lots, their duty.

Other lots.

To number &  
mark the lots.

Lay off and  
number coal  
lots.

To be sold.

Lots to remain  
as common.

Lands subject  
to sale, and in  
what manner.

SEC. 2. That John Crenshaw, Leonard White, Lee Hargrave, Joseph H. Hayes, William Hewitt, or a majority of them, be, and they are hereby appointed commissioners, to lay off, and report to said commissioner of the Galatin Saline, as many lots of land, to be called saline lots, as they may think proper, not less than six, in said salines; which lots shall include the wells that are now affording salt water, or that are under lease, each well now worked as aforesaid, to be a lot; and as there are wells not leased or used, as aforesaid, to lay off such other lots, including old wells, or prospects for salt water, as shall make up at least the number of six, as first above mentioned. The commissioners in this section, shall designate in said report, the lots of land, including the wells, that are now under lease, and those that are not. Said lots of land, so including wells and salt water prospects, as aforesaid, shall not consist of more than forty acres, but may be less, and may be made without regard to the lines of the United States' survey; in which latter case they shall report a plat and description of such new survey, so made, for the purposes aforesaid. The aforesaid commissioners, after laying off, and properly marking, by courses and distances, and planting permanent stones at the corner, and numbering the lots so as to be distinctly known, shall proceed to select and lay off, a lot of land to each, upon which there is stone coal, for fuel for such saline lots, numbering and describing such coal lot, and setting forth, distinctly to what saline lot it may belong; which said lots for water and coal, shall be sold, one for water, and one for coal, together. And at the Half Moon lick, (which by this act is contemplated to be divided into four parts,) the said commissioners shall lay off a tract of land around the saline lots, not exceeding six hundred and forty acres, outside of said lots, which shall forever remain as common, for salt making purposes, not more than one-eighth of which shall be acquired by any one proprietor of a saline lot, at any one time.

SEC. 3. That all the lands and saline lots mentioned in the foregoing section, shall be subject to sale in the manner, and under the restrictions hereinafter mentioned, that is to say: all those lands not included in any of the existing leases of any part of said saline, and all those saline lots, as mentioned in the preceding section, that are not included in any existing lease, shall be offered at public sale, after advertising the same, with proper description and designation thereof, in at least five public papers. that is to say: one in New York, one in Boston, one in Philadelphia, one in Cincinnati, and two in the state of Illinois, at least eight weeks, commencing at least three months before the day appointed

by such advertisement for such sale; said advertisement shall designate the time and place of such sale. And on the day appointed as aforesaid, the "commissioners of the Gallatin Saline" shall first offer the land so advertised, beginning at the lowest number of township, range and section, and shall sell the same to the highest bidder; *Provided*, That any such bid shall not be less than fifty cents per acre. And after such sale, as aforesaid, if any of said lands shall remain unsold, the same may be purchased at private entry, at fifty cents per acre. And after said lands shall be offered at public auction, as aforesaid, the said "commissioners of the Gallatin Saline" shall proceed to offer, at public auction, the saline lots, including wells, or salt water prospects, to the highest bidder; *Provided*, That if the said lots, last mentioned, shall not sell at such public auction, they shall in no case be entered at private sale.

Commissioners' duty.

Proviso.

Wells to be sold

Proviso

SEC. 4. That after the expiration of the year eighteen hundred and forty, the lands now included in any lease, and the wells, or salt water prospects, belonging to any saline lot, as mentioned in the second section of this act, may be sold by the commissioners of the Gallatin Saline, in the manner prescribed in the third section of this act; or if the said lessees shall, at any time, relinquish their right by lease, to any of the lands included in any of their respective leases, the same may be sold as before prescribed; or if they, or any of the said lessees, shall surrender to the state their respective leases, of said saline, then the wells, or salt water prospects, on said lease, so surrendered, may be sold as before prescribed, under the same conditions and restrictions; *Provided*, That nothing herein contained, shall be so construed as to permit the present lessees to use or occupy any of the land included in their respective leases, for any purpose but the manufacture of salt, and all contracts or leases in relation thereto, by said lessees, shall be void, and shall not be enforced by any court or jurisdiction in this state.

Leases may be surrendered and sold.

Proviso

SEC. 5. Whenever any of the lands mentioned in the foregoing sections, shall have been sold, as therein specified, it shall be the duty of the commissioner of the Gallatin Saline, to issue his certificate therefor, describing the particular tract or tracts so sold, the price for which the same was sold, and the time and place of selling the same; and the person holding such certificate, or his assigns, may present the same to the auditor of public accounts, whose duty it shall be, to make out patents for such tract or tracts.

Certificate

SEC. 6. Twelve thousand dollars, arising from the sale of said land, and saline and coal lots, is hereby appropriated for the crection of a bridge across the Saline creek, at the

Appropriation for bridge over Saline creek. &c.



Appropriation  
to Edwards c'y

Island ripple, and improving the navigation of said creek and also the sum of six hundred dollars to the county of Edwards, to be expended by the commissioners in works of internal improvement in said county of Edwards.

Appropriations  
for various pur-  
poses.

SEC. 7. That the sum of eight hundred dollars, be and the same is appropriated, on the road leading from Equality to Golconda, one half to be expended under the direction of the county commissioners of Pope county, and the other half under the direction of the county commissioners of Galatin. The further sum of eight hundred dollars is appropriated to the improvement of the road from Equality to McLeansborough, one half to be expended in each county, under the direction of the county commissioners, respectively. The further sum of five hundred dollars is appropriated to the improvement of the road leading from Equality to Carmi, under the direction of Thomas H. Leaville and John Kensall. And the sum of one thousand dollars is appropriated to the improvement of the road from Equality, across the North Fork, and Cypress creek, to Shawneetown, under the direction of Henry Eddy and John Greshaw. And the further sum of four hundred dollars, to the county court of Franklin, for the purpose of erecting a bridge across the Middle Fork of Muddy, on the road leading from Frankfort to Mount Vernon. And the further sum of four hundred dollars, to the county of Jackson, for the purpose of building a bridge across the Crab Orchard, on the road leading from Frankfort to Brownsville. And the further sum of four hundred dollars to Jackson county, for the purpose of completing the road across the bottom, on the road from Brownsville to the Grand Tower. And the further sum of four hundred dollars, to the county of Washington, to be applied exclusively to the improvement of the roads in said county. And the sum of three hundred dollars, to Franklin county, for building a bridge across Pond creek, in the county of Franklin, on the two roads leading to Phelps' prairies, and Brownsville. The sum of five hundred dollars be, and the same is hereby appropriated to the county of Union, to improve the road from Jonesboro' to the Mississippi river, at Williard's ferry. The sum of five hundred dollars be, and the same is hereby appropriated to the county of Alexander, for the purpose of building a bridge at Unity. To the county of Pope, three hundred dollars, one half on the Petullo bluff, on the road from Vandalia to Golconda, the other half on the Massac bluffs, to be expended, the first under the direction of Williston T. Reed, and the second under the direction of John Witt. The further sum of five hundred dollars, to be appropriated under the order and direction of the county commissioners of Johnson coun-

ty, within the limits of said county. The further sum of two hundred dollars, to the county of Franklin, to build a bridge across the saline, on the road from Frankfort to Golconda. The further sum of five hundred dollars, to Randolph county, to build a bridge across Mary's river, on the road from Kaskaskia to Liberty. And the further sum of three hundred dollars, to be applied under the direction of the county commissioners' court of Lawrence county, to the improvement of Purgatory, on the Vincennes and St. Louis road. To the county of Edgar, three hundred dollars, to be expended under the direction of the county commissioners' court of said county, for the improvement of the public roads therein. To the county of Jefferson, the sum of four hundred dollars, to be expended under the direction of the county commissioners of said county. To the county of Clay, three hundred dollars, to be applied to the improvement of the Little Wabash bottom. To the county of Perry, four hundred dollars, to be appropriated under the order and direction of the county commissioners of said county: and also to the county of Greene, four hundred dollars; and to the county of Marion, four hundred dollars; and to the county of Effingham, one hundred and fifty dollars, to be expended under the direction of the county commissioners, in building bridges on the road in said county leading from Maysville to Shelbyville. To the counties of Coles and Clark, three hundred dollars, each, to be expended under the direction of the county commissioners' courts of said counties, for purposes of internal improvement. And there shall be paid to the county commissioners' court of the county of Wabash, the sum of five hundred dollars, to be expended under its direction, one half thereof to be expended in improving the navigation of the Bonpas river, and the residue thereof in improving the state road and mail route, leading from Mount Carmel to Albion. The residue of the money, if any, arising from the sales of said saline lands, shall be paid into the treasury of the state, for the use of the state. Timothy Guard is allowed the pre-emption right to part of the fraction on which his coal furnace and stack now stands, for the purpose of erecting thereon a steam mill, not exceeding four acres, at fifty cents per acre.

Appropriations  
continued.

Residue to be  
paid into state  
treasury.  
T. Guard

SEC. 8. The commissioners appointed in the second section of this act, are hereby authorised to lay out and expend the money appropriated for the improvement of the navigation of the Saline, in building locks and dams, upon and across said creek, at such times and places as they may deem proper; and whenever they may believe there is a sufficiency of money to justify them in so doing, may commence said work, either by letting it out in parcels, or the

Commissioners  
to expend ap-  
propriations.

whole, or by employing laborers to work on said improvement; and shall have power to cause the said Saline creek to be made navigable at all times, for boats drawing two feet and a half water, as far as Equality, and to improve the navigation by clearing out rafts, and cut timber out of the way, as high up as McFarland's mill, on said creek.

Commissioners  
to give bond.

Shall be sworn

Vacancy.

Commissioners  
to deposite mo-  
ney in bank.

Commissioners  
to draw for  
money.

Vacancy

SEC. 9. The commissioner appointed to sell the land and lots in this act mentioned, shall, before he enters upon the duties of his office, enter into bond and security to the people of the state of Illinois, in the sum of twenty thousand dollars, for the faithful performance of his duties as commissioner, as aforesaid; and also take an oath faithfully to perform his duties, as such commissioner; which bond shall be approved of by the county commissioners' court, and filed in the records of said court. And if he fail to enter into such bond, his office shall be deemed vacant, after three months from the passage of this act: and it shall be the duty of the governor to fill such vacancy; and such bond and security shall be required of the commissioner so appointed to fill the vacancy.

SEC. 10. The said commissioner shall, at least once a month, deposite all moneys arising from the sale of any land or lots, in the Bank of Illinois, at Shawneetown; and once in every three months, report to the auditor of public accounts, stating particularly the amount of sales, what is sold, and to whom, and when.

SEC. 11. The commissioners, and others, authorised to lay out and spend the several sums in this act appropriated, are hereby authorised to draw for the same on the bank aforesaid, as the same may be deposited, in the order in which they stand stated in the sixth and seventh sections of this act; the county commissioners by a certified order of said court, and the commissioners, by an order signed by a majority of their number; and in case of a vacancy in said commissioners, by death, resignation, or otherwise, the remaining commissioners shall have power to fill such vacancy,

APPROVED, Jan. 16, 1836.

In force Jan.  
14. 1836.

*AN ACT to apportion the Representation of the several Counties in this State.*

Ratio of repre-  
sentation.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That until the next census, as provided by the constitution shall have been taken*



and an apportionment made thereon, the following shall be the ratio of representation for this State, viz: that each seven thousand white inhabitants shall be entitled to one senator, and each three thousand white inhabitants shall be entitled to one representative, to be apportioned and divided as follows, to-wit: The counties of Alexander and Union, one representative each, and the two together one senator; the counties of Johnson and Pope, one representative each, and the two together one senator; the county of Gallatin, three representatives and one senator; the counties of Hamilton and Jefferson, one representative each, and the two together one senator; the county of Franklin, two representatives, the county of Jackson, one representative and the two together one senator; the counties of Washington and Perry, one representative each, and the two together one senator; the county of White, two representatives and one senator, the counties of Edwards, Wayne and Wabash, one representative each, and the three together one senator; the county of Lawrence shall, at the next general election, elect two representatives, and at the succeeding biennial election one representative; and at the said first general election, the counties of Crawford and Jasper shall elect one representative, and at the succeeding biennial election two representatives together, and so on alternately thereafter, until another apportionment shall be made, and the three counties together one senator; the county of Edgar, two representatives, and one senator; the county of Coles, two representatives, the county of Clark, one representative, and the two together one senator; the county of Vermillion three representatives, the county of Champaign, one representative, and the two together one senator; the county of Madison, three representatives and one senator; the county of St. Clair, three representatives and one senator; the county of Monroe, one representative, and the three last mentioned counties together one senator; the county of Randolph, two representative and one senator; the counties of Clinton and Marion, one representative each, and the two together one senator; the counties of Bond and Montgomery, one representative each, and the two together one senator; the counties of Fayette and Effingham, together, two representatives, the county of Clay, one representative, and the three together one senator, the county of Shelby, one representative and one senator; the county of Greene, three representatives and one senator; the counties of Calhoun and Greene, one representative and one senator together; the county of Macoupin one representative and one senator; the county of Morgan, six representatives and three senators; the county of Sangamon, seven representatives

and two senators; the county of Tazewell, two representatives and one senator; the county of McLean, two representatives, the county of Macon one representative, and the two together one senator; the county of Adams, two representatives and one senator; the county of Pike, two representatives and one senator; the county of Schuyler, two representatives and one senator; the county of Fulton, two representatives and one senator; the counties of McDonough and Hancock, one representative each, and the two together one senator; the counties of Warren, Knox and Henry, the three together one representative and one senator; the county of Cook, three representatives and one senator; the county of La Salle, one representative and one senator; the county of Iroquois shall vote for the senator to be elected in La Salle county, and elect one representative alone, the counties of Putnam and Peoria, one representative each, and the two together one senator; the counties of Jo Daviess, Mercer and Rock Island, together, two representatives and one senator.

Counties joined  
together made  
districts.

SEC. 2. Whenever, in the preceeding section, two or more counties are joined together for the purpose of electing representatives or senator, they shall form, and are hereby constituted, districts for that purpose.

Clerks duty.

SEC. 3. At all future elections for senator or representatives the clerks of the county commissioners' courts of the counties of Alexander and Union, shall meet at the seat of justice of Union county, to compare the returns of election for senator in said district; the district composed of the counties of Johnson and Pope, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Pope county, to compare the returns of election for senator for said district; the district composed of the counties of Jefferson and Hamilton, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Jefferson county, to compare the election returns for senator in said district; the district composed of the counties of Franklin and Jackson, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Franklin county, to compare the election returns for senator in said district; the district composed of the counties of Washington and Perry, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Washington county, to compare the election returns for senator in said district; the district composed of the counties of Edwards, Wayne, and Wabash, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Edwards county, to compare the election returns for senator in said district: the

representative district composed of the counties of Crawford and Jasper, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Crawford county to compare the election returns for representatives in said district; the senatorial district composed of the counties of Lawrence, Crawford, and Jasper, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Crawford county, to compare the election returns for senator in said district; the district composed of the counties of Coles and Clark, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Coles county to compare the election returns for senator in said district; the district composed of the counties of Vermillion and Champaign, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Vermillion county, to compare the election returns for senator in said district; the district composed of the counties of Madison, St. Clair and Monroe, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of St. Clair county, to compare the election returns for senator in said district; the district composed of the counties of Clinton and Marion, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Clinton county, to compare the election returns for senator in said district; the district composed of the counties of Bond and Montgomery, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Montgomery county, to compare the election returns for senator in said district; the senatorial district, composed of the counties of Fayette, Effingham and Clay, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Effingham county, to compare the election returns for senator in said district; the representative district composed of the counties of Fayette and Effingham, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Effingham county to compare the election returns for representatives in said district; the district composed of the counties of Greene and Calhoun, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Greene county, to compare the election returns for senator and representatives in said district; the district composed of the counties of McLean and Macon, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of McLean county, to compare the election returns for senator in said district; the district composed of the counties of McDonough and Hancock, the clerks of the



county commissioners' courts of said counties shall meet at the seat of justice of McDonough county, to compare the election returns for senator in said district; the district composed of the counties of Warren, Knox and Henry, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Knox county, to compare the election returns for senator and representatives in said district; the district composed of the counties of La Salle and Iroquois, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of La Salle county, to compare the election returns for senator in said district; the district composed of the counties of Putnam and Peoria, the clerks of the county commissioners' courts of said counties shall meet at the seat of justice of Peoria county to compare the election returns for senator in said district; the district composed of the counties of Jo Daviess, Mercer, and Rock Island, the clerks of the county commissioners' courts of said counties, shall meet at the seat of justice of Jo Daviess county to compare the election returns for senator and representatives of said district.

**Clerks to meet.** SEC. 4. The clerks of the county commissioners' courts above named, shall meet at the several places before mentioned, within fifteen days next after any election for senator or representatives, in any of the said districts, for the purpose of comparing the votes given at such election.

**Senators to be classe 1.** SEC. 5. Within the first thirty days of the session of the senate, the additional senator to be elected from Morgan county, and the senator to be elected from Cook county, and the senator to be elected from Pike county, and the senator to be elected from Macoupin county, and the senator to be elected from Fulton county, and the senators to be elected from the districts composed of the counties of La Salle and Iroquois, McLean, Macon, Calhoun, Greene, Putnam, Peoria, Madison, St. Clair, Monroe, Hancock, McDonough, Warren, Knox, Henry, Coles, Clark, Washington, and Perry, shall proceed to divide by lot their said number into two classes, the first class of which shall serve until the expiration of two years from the first Monday in August, eighteen hundred and thirty-six, and the second class shall serve four years from the first Monday in August, eighteen hundred and thirty-six; and in case of any vacancy occurring in any of the aforesaid offices, the same shall be filled in the manner prescribed by law for filling vacancies in the General Assembly.

APPROVED, Jan. 14, 1836.

## AN ACT to establish certain Counties.

In force Jan  
16, 1836.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that tract of country within the following boundaries, to wit: Beginning at a point on Lake Michigan, where the township line dividing townships forty-two and forty-three, strikes said Lake, and running thence west along said line, to the east line of range number four east of the third principal meridian; thence north to the northern boundary line of the state; thence east to Lake Michigan; thence along the shore of said lake to the place of beginning, shall constitute a new county, to be called McHenry.

McHenry  
county and  
boundary.

SEC. 2. That all that tract of country within the following boundaries, to wit: Commencing at the south east corner of township number forty-three, range number four, east of the third principal meridian, and running thence west to the said meridian; thence north along the line of said meridian, to the south east corner of township number twenty-six, in range number eleven, east of the fourth principal meridian; thence west to the dividing line between ranges number seven and eight; thence north along said dividing line to the northern boundary line of the state; thence east along said boundary line to the north east corner of range number four, east of the third principal meridian; thence south to the place of beginning, shall constitute a county, to be called Winnebago.

Winnebago  
county and  
boundary.

SEC. 3. That all that tract of country within the following lines and boundaries, viz: Beginning at a point on the river Mississippi, where the northern boundary line township twenty-two strikes said river, and running thence east along said line, to the dividing line between ranges number seven and eight, east of the fourth principal meridian; thence north along said dividing line to the northern boundary line of this state; thence west with said line to the Mississippi river; thence down the Mississippi river, to the point of beginning, shall constitute the county of Jo Daviess.

Jo Daviess  
county and  
boundary.

SEC. 4. That all that tract of country included within the following boundaries, viz: Commencing at the north east corner of township number forty-two north, range number eight, east of the third principal meridian, and running thence south, to the south east corner of township number thirty-seven, in the range aforesaid; thence west to the south east corner of township number thirty-seven, range number two, east of the third principal meridian; thence north with the range line, between two and three, to the northern boundary line of township number forty-two;

Kane county  
and boundary.

thence east along said line to the place of beginning, shall constitute a county to be called Kane.

Ogle county  
and boundary.

SEC. 5. That all that tract of country included within the following boundaries, viz: Commencing at the south west corner of township number nineteen north, range eight, east of the fourth principal meridian, and running thence north along the range line, dividing ranges numbered seven and eight east, to the south west corner of township number twenty-six, north of range number eight east; thence east to the third principal meridian; thence south along the line of said meridian, to the south west corner of township number forty three north, of range number one, east of the third principal meridian; thence east with the line dividing townships numbered forty-two and forty-three north, to the south east corner of township number forty-three north, of range two, east of the third principal meridian; thence south with the line between ranges numbered two and three, east of the third principal meridian, to the south east corner of township thirty-seven north; thence west with the line dividing townships thirty-six and thirty-seven north, to the south west corner of township thirty-seven north; thence south with the third principal meridian, to the south east corner of township number nineteen, north of range eleven, east of the fourth principal meridian; thence west with the line between townships numbered eighteen and nineteen north, to the place of beginning, shall constitute a county to be called Ogle.

Whiteside  
county and  
boundary.

SEC. 6. And that all that tract of country within the following boundary, viz: Commencing at the south east corner of township numbered nineteen north, of range seven, east of the fourth principal meridian; thence west with said township line to Rock river; thence down along the middle of Rock river, to the middle of the Meredocia; thence along the middle of the Meredocia, with the line of Rock Island county, to the Mississippi river; thence along up the middle of the main channel of the Mississippi river, to the point where the north line of township twenty-two intersects the same; thence east with said last mentioned township line, to the south east corner of township twenty-three; thence south with the line between ranges seven and eight, to the point of beginning, shall constitute a county to be called Whiteside.

Commissioners  
appointed to lo-  
cate seat of jus-  
tice of Winne-  
bago county.

SEC. 7. The counties of Winnebago, Ogle, and Kane, hereby created, shall be organized in the following manner, to wit: For the purpose of fixing the permanent seat of justice of Winnebago county, the following persons are appointed commissioners, viz: Robert Stephens, Rezin Zarley, of Cook county, and John Phelps of Jo Daviess



county, who, or a majority of them, being duly sworn before some justice of the peace of this state, faithfully to take into view the convenience of the people, the situation of the settlements, with an eye to future population, and eligibility of the place, shall meet at the house of Daniel Hart, in said county, on the first Monday of May, or as soon thereafter as may be, and proceed to examine and determine on a place for the permanent seat of justice of said county, and designate the same: *Provided*, That the said county seat shall be located on lands belonging to the United States, if a site for said county seat on such lands can be found equally eligible, or upon lands claimed by citizens of said county; but if such location shall be made upon land claimed by any individual having title or a pre-emption right to the same, the claimant or proprietor upon whose claim or right of pre-emption, the said seat of justice may be located, shall make a deed in fee simple to any number of acres of said tract, not less than twenty, to the said county; or in lieu thereof, such claimant, or owner or owners of such pre-emption right, shall donate to the said county, at least three thousand dollars, to be applied to building county buildings, within one year after the location of said county seat; and the proceeds of such quarter section, if the said county seat shall be located on government lands, or the proceeds of such twenty acres of land, if it be located on the pre-emption right of an individual or individuals, or the said three thousand dollars, in case such pre-emption right owner or owners, shall elect to pay that sum in lieu of the said twenty acres, shall be appropriated to the erection of a sufficient court house and jail.

SEC. 8. Until public buildings shall be erected for the purpose, the courts shall be held at the house of Germanicus Kent, or of Daniel Hart, as the county commissioners shall direct.

To be sworn.  
Where and when to meet.  
Proviso.  
Courts to be held at G. Kent's or D. Hart's.

SEC. 9. An election shall be held at the house of Germanicus Kent, in said county, on the first Monday of May next, for one sheriff, one coroner, one recorder, one county surveyor, and three county commissioners, who shall hold their offices until the next succeeding general election, and until their successors are qualified; which said election shall be conducted in all respects, agreeably to the provisions of the law regulating elections: *Provided*, That the qualified voters present, may elect from among their own number, three qualified voters to act as judges of said election, who shall appoint two qualified voters to act as clerks.

Election.  
Proviso.

SEC. 10. For the purpose of fixing the permanent county seat of Kane county, the following named persons, are

appointed commissioners, viz: James B. Campbell, of Cook county, L. Kimball, of La Salle county, and Thomas Ford, of Peoria county, who, or a majority of them, being first duly sworn before some justice of the peace of this state, as required in the seventh section of this act, shall meet at the house of Abraham Holderman in La Salle county, on the third Monday in April next, or within sixty days thereafter, and shall proceed as is required in the seventh section of this act, to locate the county seat of said Kane county.

Commissioners  
to fix seat of  
justice of Ogle  
county.

SEC. 11. For the purpose of fixing the permanent county seat of Ogle county, Charles Reed, of Cook county, James L. Kirkpatrick, of Jo Daviess county, and James B. Campbell, of Cook county, are hereby appointed commissioners, who, or any two of them, being first duly sworn before some justice of the peace of this state, as is required by the seventh section of this act, shall meet at the house of Oliver W. Kellogg, in said county, on the first Monday in May next, or within sixty days thereafter, and shall proceed in all respects as is required in the seventh section of this act, where the same is applicable.

To be sworn.  
Where & when  
to meet.

Where courts  
to be held in  
Kane, Ogle,  
& Winnebago.

SEC. 12. The county and circuit courts of said Kane and Ogle counties, shall be held at such place as the county commissioners' courts respectively, shall appoint; and the circuit judge of the sixth judicial circuit, shall have power to fix the times for holding circuit courts in said Winnebago, Kane, and Ogle counties, as in his discretion he may think will best promote the public good; which said counties shall be attached to, and form a part of the sixth judicial circuit.

Elections.

SEC. 13. And elections shall be held in said Kane and Ogle counties, for county officers, in the following manner, viz: In the county of Kane, at the house of James Herrington, on the first Monday in May next; and in the county of Ogle, on the first Monday in April next, at the house of John Phelps, and shall be regulated and conducted in the same manner as is prescribed in the ninth section of this act, where the same is applicable.

Clerks to give  
notice of elec-  
tions &c.

SEC. 14. It shall be the duty of the clerks of the circuit courts of the counties hereby organized, to give notice at least ten days previous to the elections to be held, as is above provided in said counties; and in case there shall be no clerk in said counties, it shall be the duty of the clerk of the commissioners' court of Jo Daviess county, to give notice for the elections to be held in the counties of Winnebago and Ogle; and for the election to be held in the county of Kane, notice shall be given in like manner by the clerk of the county commissioners' court of Cook county.

SEC. 15. The citizens of the counties hereby created, Privileges.  
are entitled in all respects to the same rights and privileges,  
as are allowed in general to other counties in this  
state.

SEC. 16. The counties of Winnebago, Whiteside, and Winnebago,  
Ogle, shall continue to form a part of the county of Jo Whiteside and  
Davies, until they shall be organized according to this act, Ogle, attached  
and shall continue to be attached to said county in all gen- to Jo Davies.  
eral elections, until otherwise provided by law. The Kane attached  
county of Kane, shall continue to form a part of the county to La Salle.  
of La Salle, until it shall be organized; and the voters of  
said county shall vote with said county of La Salle, in all  
elections for state officers. The county of McHenry, shall McHenry at-  
continue to form a part of the county of Cook until it shall tached to Cook.  
be organized; and the voters of said county, shall vote with  
the county of Cook in all general elections, until otherwise  
provided by law. After the organization of Ogle county, Whiteside at-  
the county of Whiteside shall be attached to the said tached to Ogle.  
county of Ogle, for all judicial and county purposes, until  
it shall be organized.

SEC. 17. The commissioners appointed to locate said Commissioners  
county seats, shall receive the sum of one dollar and fifty compensation.  
cents per day, for each day by them necessarily spent in  
discharging the duties imposed on them by this act, to be  
allowed by the county commissioners' courts of said coun-  
ties respectively, and to be paid out of the county treasuries  
respectively.

SEC. 18. No one of the counties created by this act shall Petition for  
be organized, and no election hereby authorised, shall be conveyance.  
held, until a petition shall be presented to the judge of the  
sixth judicial circuit, or in his absence, some other circuit  
judge, signed by a majority of the voters of the county  
asked to be organized, and proof made before such judge,  
that such county contains at least three hundred and fifty  
white inhabitants; and upon such petition being presented,  
and such proof made, the said judge is hereby authorised Judges duty.  
and required to grant an order for the election of county  
officers, naming the day for such election; the place at  
which such election shall be held, the description of offi-  
cers to be elected, and appointing the judges of elections;  
and the said judges of election shall give public notice of  
said election, by posting up notices in at least four public  
places in the county; and such election shall be held and  
conducted in all respects as other elections.

SEC. 19. The judges of elections shall deliver to each Judges of  
officer elected, a certificate of his election. The poll elections duty  
books shall be retained by them, until a clerk of the county  
commissioners' court shall be appointed, and then deliver



said books to such clerk; they shall also transmit to the secretary of state, an abstract of the votes given at such election, in the same time, manner and form as is required of clerks of county commissioners' courts in elections in other counties in this state.

County commissioners to be sworn.

Court to appoint clerk &c.

Clerk's duty.

Officer's duty.

SEC. 20. After the election of county officers, as herein provided, the persons elected county commissioners, are hereby authorized to administer the oaths of office to each other; and they are severally authorised to administer the oaths of office to all other county officers. And said commissioners shall, within ten days after their election, meet together as a court, appoint a clerk, and lay off their county into justices' districts, and order elections to be held for justices of the peace and constables, at a time to be fixed by them; and justices of the peace and constables elected shall hold their offices until others are elected and qualified under the law providing for the election of justices of the peace. The clerks of county commissioners' courts shall deliver to each person elected justice of the peace and constable, a certificate of such election; and each person elected justice of the peace is hereby authorized, upon executing bonds as required by law, to enter upon the duties of his office, and to exercise and perform all the duties of justice of the peace, as fully as though such power had received a commission from the Governor.

This act shall be in force from its passage.

APPROVED, Jan. 16, 1836.

REPORTS  
OF THE  
AUDITOR AND TREASURER,  
TO THE  
GENERAL ASSEMBLY,  
DECEMBER, 1835.

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AUDITOR'S REPORT.

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STATE OF ILLINOIS, AUDITOR'S OFFICE, }  
Vandalia, December 16th, 1835. }

To the Honorable, the  
Speaker of the House of Representatives:

SIR—

In compliance with the resolution of the House of Representatives of the 15th instant, I have the honor to submit the enclosed statements, marked "No. 1" and "No. 2," showing the total amount of Receipts and Expenditures, at the Treasury, during the year, ending with the 30th of November, 1835.

I have the honor to be,  
very respectfully,  
Your obedient servant,  
LEVI DAVIS,  
Aud. Pub. Acc'ts.

## NO. 1.

*Total amount of Receipts and Expenditures, at the Treasury, from the 30th November, 1834, to 30th November, 1835.*

ON WHAT ACCOUNT RECEIVED.	AMOUNT.	AMOUNT.
Amount remaining in the treasury 30th November, 1834,	\$296 66	
Amount received from non-residents,	3,977 86	
Amount received from sheriffs,	24,033 91	
Amount received from sale of Vandalia lots,	284 18	
Amount received from sales of seminary lands,	14,570 52	
Amount of state paper funded, including interest on same,	216 98	
Amount received from the revenue clerks,	11,617 25	
Amount received from the trustees of James Hall, late treasurer,	631 71	
Amount received from debts due the State Bank and branches,	2,502 18	
Amount received from sales of Vermilion saline lands,	10,574 21	
Amount received from sales of Gallatin saline lands,	454 79	
Amount received of commissioner of school fund,	27,832 20	
		96,992 45
To this add the amount of redemption money received,		930 72
		<hr/>
Total amount,		\$97,923 17
Amount of auditor's warrants paid at the treasury, from 30th Nov., 1834, to 30th Nov., 1835,	\$69,102 70	
Amount of money refunded,	187 42	
Amount paid interest on the loan of \$100,000, to 1st July, 1835,	3,000 00	
Amount of interest allowed on state paper received for taxes,	102 86	
Amount of interest allowed on state paper, funded at the treasury,	42 48	
Amount of funded stock redeemed at the treasury,	3,391 26	
Amount of state paper burned,	1,085 50	
Amount of taxes refunded on lands sold for taxes and redeemed,	341 66	



Amount of interest allowed on state paper received on account of State Bank,	96 30	
Amount of redemption money paid out,	1,255 09	
	<hr/>	78,606 27
Leaving a balance in the treasury on the 30th November, 1835, of		<hr/>
		\$19,316 90
		<hr/>

### REDEMPTION ACCOUNT.

Amount of redemption money remaining in the treasury on the 1st of December, 1834,	\$877 96	
Amount of redemption money received from 30th November, 1834, to 30th November, 1835,	930 72	
	<hr/>	1,808 68
From this sum deduct the amount of redemption money paid out during the same time,		1,255 09
		<hr/>
Leaving a balance of redemption money in the treasury on the 1st of December, 1835, of		\$553 59
		<hr/>

*Amount of Auditor's warrants drawn on the Treasury from the 30th November, 1834, to 30th November, 1835, for the current expenses of the State, and charged to the following accounts, viz:*

The General Assembly session 1834-5,	\$23,609 88
The judiciary,	7,117 46
The governor,	873 28
The secretary of state,	1,075 00
The auditor,	1,831 02
The treasurer,	1,652 05
Circuit attorneys,	906 06
The attorney general,	349 73
Special appropriations,	13,561 95
Incidental expenses,	704 53
Contingent fund,	878 11
Warden of the penitentiary,	360 10
Penitentiary inspectors,	200 00
Counties on the Military tract,	4,150 00
Postage,	363 34
Militia,	815 00
Contingent fund for penitentiary,	1,250 00

Interest on funded stock,	293 11	
Appropriations for Great Wabash,	6,686 71	
Appropriations for penitentiary,	62 10	
	<hr/>	66,739 43

Amount of outstanding warrants against the treasury, on the 1st December, 1835,	2,190 01	
To which add the amount of school fund warrant,	28,283 80	
	<hr/>	30,473 81

From this sum deduct the amount of money in the treasury, on the 30th of November, 1835,		19,316 90
		<hr/>

Leaving a balance against the treasu- ry on the 1st December, 1835, of		\$11,156 91
		<hr/>

*The following sums become due to the State in March and April,  
1836:*

From the revenue clerks,	\$36,357 25	
From sheriffs,	6,722 08	
	<hr/>	\$43,079 33

STATE OF ILLINOIS, AUDITOR'S OFFICE, }  
Vandalia, Dec. 16, 1835. }  
LEVI DAVIS, Aud. Pub. Accounts.

## NO. 2.

*A statement of the amount drawn from the Treasury on account of  
the Contingent Fund, from 30th November, 1834, to 30th No-  
vember, 1835.*

1834.

Dec. 1.	To John S. Roberts, for work done on state house,	\$5 00
	“ Warrants to John D. Hughes, for the apprehension of Hopkins and Johnson, fugitives from justice,	103 50
	“ Warrants to Wm. Redmond, for work done on state house,	38 75
	“ Warrants to Bryant Whitfield, for work done on state house,	27 00
6.	“ Warrants to William D. Haynie, for	

	repairing state house, and furnishing materials,	11 00
	“ Warrants to R. Porter, for materials furnished for plastering state house,	6 00
10.	“ Warrants to Thomas A. Gatewood, for work done on state house,	5 16
16.	“ Warrants to S. & J. Francis, for publishing governor's proclamation for the apprehension of N. Payne,	9 50
20.	“ Warrants to D. Merrill, for the apprehension of H. Shouse, a fugitive from justice,	100 00
22.	“ Warrants to Abraham & William Duncan, for the apprehension of Hezekiah Garret, a fugitive from justice,	200 00
1835.		
Jan. 21.	“ Warrants to Francis Arens, for publishing governor's proclamation for the apprehension of N. Payne and E. Hankins, and holding congressional election,	12 00
22	“ Warrants to J. G. Edwards, for publishing governor's proclamation relative to the penitentiary, for congressional election, apprehension of Sullivan, adjutant general's notice, &c.,	14 50
	“ Warrants to Joseph Hocket, for repairing state house,	3 00
Feb. 3.	“ Warrants to Brooks & Pettit for special election in 3d congressional district,	3 00
13.	“ Warrants to J. T. Bradley and J. C. Sprigg, for copying rail road and canal bills,	13 00
14.	“ Warrants to J. Demint, for conveying school fund from St. Louis, and for services in depositing \$3,000 00 in bank, at St. Louis, and obtaining a check to pay interest on loan,	195 00
1834.		
Dec. 1.	“ W. D. Haynie, for work done on state house, (omitted above,)	8 00
1835.		
March 20.	“ Warrants to John C. Sprigg, for making out certified copies of certain laws for the use of the executive,	25 50
June 4.	“ Warrants to Gatewood and Oliver for publishing governor's proclamation rel-	



	ative to elections, &c.,	7 50
15,	" W. E. Woodruff for advertising in the Arkansas Gazette, the governor's proclamation for the apprehension of Hezekiah Garrett,	5 00
20.	" R. W. Clarke, for publishing governor's proclamation for the apprehension of N. Payne,	3 00
July 21,	" Warrants to J. Y. Sawyer, for publishing governor's proclamation in relation to the Shawneetown bank, and for election of senator of Jo Daviess county,	11 80
Aug. 31.	" Warrants to J. S. Gordon, for hair furnished for plastering state house,	3 50
	" Warrants to William J. Hockett, for repairing state house,	1 50
	" Warrants to William P. Milton, for advertising H. Garrett, a fugitive from justice,	7 00
Oct. 10.	" Warrants to T. Condit, for services and expenses in removing public records from Vandalia to Rushville,	44 00
31.	" Warrants to J. Y. Sawyer, in full, for publishing governor's proclamation, legislature and treasurer's notice; of what kinds of money would be received into the treasury,	14 90
		<hr/> \$878 11

STATE OF ILLINOIS, AUDITOR'S OFFICE, }  
*Vandalia, Dec. 16th, 1835. }*

LEVI DAVIS, *Auditor Public Accounts.*

## TREASURER'S REPORT.

STATE OF ILLINOIS, TREASURER'S OFFICE, }  
*Vandalia, December 16, 1835. }*

SIR—

In conformity to a resolution of the House of Representatives, requesting the Auditor and Treasurer to make a report to the present General Assembly, of the Receipts and Expenditures of the public money, I have the honor to submit

the following statement of the transactions of this office, from the first day of December 1834, to the 30th day of November 1835, inclusive, which presents the monthly receipts and payments, and an account current, shewing on what account the receipts and disbursements were made, and the balance remaining in the Treasury on the last mentioned day; also an appended statement, shewing the balance in the Treasury on the present day.

All of which is respectfully submitted.

JOHN DEMENT, *Treasurer*  
of the State of Illinois.

The Honorable,

*The Speaker of the House of Representatives.*

*Report of Receipts and Payments at the Treasury of the State of Illinois, from 1st December, 1834, to 30th November, 1835, inclusive.*

RECEIPTS.		PAYMENTS.	
1834. December,	5,853 98	1834. December,	4,034 33
1835. January,	12,607 04	1835. January,	13,210 44
“ February,	53,440 02	“ February,	28,577 94
“ March,	16,249 63	“ March,	4,583 66
“ April,	2,377 94	“ April,	3,849 60
“ May,	358 58	“ May,	4,285 17
“ June,	141 15	“ June,	3,362 99
“ July,	1,409 72	“ July,	4,789 93
“ August,	2,997 68	“ August,	1,993 30
“ September,	890 00	“ September,	1,321 40
“ October,	947 85	“ October,	7,469 91
“ November,	352 98	“ November,	875 60
	97,626 51		
To which add bal- ance in Treasury, on 30th November 1834. - - -	296 66		
	97,923 17		
	78,606 27		
	<u>\$19,316 90</u>		<u>\$78,606 27</u>

JOHN DEMNET, *Treasurer.*

*John Dement, State Treasurer, in account with the State of Illinois.*

# RECEIPTS.

To amount of balance in the Treasury on 30th November, 1834,	296 66
“ amount received from Sheriffs, (including \$60 received on account of revised laws,) from 1st December, 1834, to 30th November, 1835, inclusive,	24,033 09
“ amount of taxes paid into the Treasury, during same time,	3,977 86
“ amount of State paper funded, during same time,	216 98
“ amount received from sale of Seminary lands, during same time,	14,570 52
“ amount received from Trustees of James Hall, late Treasurer, during same time,	631 71
“ amount received from County Commissioners' Clerks, during same time,	11,617 25
“ amount received for debts due the State Bank and Branches, during same time,	2,502 18
“ amount received from sale of Vermillion Saline lands, during same time,	10,574 21
“ amount received of School fund, during same time,	27,832 20
“ amount from sale of Gallatin Saline lands, during same time,	454 79
“ amount received from sale of Vandalia lots, during same time,	284 18
“ amount of Redemption money received during same time,	930 72
	<hr/>
	\$97,923 17



## PAYMENTS.

By amount paid (refund,) from 1st December, 1834, to 30th November, 1835, inclusive,	187 42
“ amount of taxes refunded on lands redeemed, during same time,	341 66
“ amount of Auditor's Warrants paid, during same time,	69,103 70
“ amount of Interest on State paper, during same time,	102 86
“ amount of do. on do., when funded, during same time,	42 48
“ amount of do. on ditto., paid into Treasury on account of State Bank, during same time,	96 30
“ amount of State paper burned, during same time,	1,085 50
“ amount of Interest on Loan of \$100,000, to 1st July, 1835,	3,000 00
“ amount of Funded Stock redeemed, during same time,	3,391 26
“ amount of Redemption money paid, during same time,	1,255 09
	<hr/>
	78,606 27
Balance in the Treasury on 30th November, 1835,	19,316 90
	<hr/>
	\$97,923 17
	<hr/>

## REDEMPTION ACCOUNT.

To amount of Redemption money remaining in the Treasury on 1st December, 1834,	877 96
“ amount of Redemption money received from 1st December, 1834, to 30th November, 1835, inclusive,	930 72
	<hr/>
	1,808 68
By amount of Redemption money paid from 1st December 1834, to 30th November, 1835, inclusive,	1,255 09
	<hr/>
	\$553 59
	<hr/>

JOHN DEMENT, *Treasurer.*

## APPENDED STATEMENT.

To balance in the Treasury on 30th November,  
1835, as above stated, 19,316 90

To which add amount of receipts into the  
Treasury, from 1st to 16th December,  
1835, inclusive, 587 59

By amount of payments during the same time;

To wit:

Paid Auditor's Warrants, 5,853 70

“ Refund, 6 61

“ Interest on loan of \$100,000

being the instalment due 1st Jan-

uary, 1836, 3,000 00

8,860 31

Balance in the Treasury on 16th December,  
1835, \$11,044 18

JOHN DEMENT, *Treasurer.*

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12

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“

21

Galena and Chicago Union

“

24

Chicago Marine and Fire Insurance co.

30

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36

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43

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STATE OF ILLINOIS, }  
Department of State. }

I, Alexander P. Field, *Secretary of State*, of the State of Illinois, do hereby certify that the foregoing printed sheets, contain true copies of the enrolled laws deposited in this office.

*In witness whereof*, I have hereunto signed my name, at Vandalia, the 22d day of March, A. D. 1836.

A. P. FIELD, *Secretary of State*.









